

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

102nd Legislative Day

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Speaker Hannig: "The hour of 11:00 having arrived, the House will be in order. The Members will be in their seats. Members and guests are asked to refrain from starting their laptops, turn off all cell phones and pagers, and rise for the invocation and the Pledge of Allegiance. We shall be led in prayer today by Pastor Darrell Lamar Jackson with Liberty Baptist Church in Chicago. Pastor Jackson is the guest of Representative Dunkin."

Pastor Jackson: "Good morning and it's indeed good to be here and I wanna thank Representative Dunkin who's also my Morehouse College brother, amen. Let us pray. Oh Lord, we are thankful for this day, thankful for a start to another day that You have made. And now, Lord, we ask a special blessing upon this House of Representatives that represents the members of our entire state, guide them in the way they need to be guided that we will have a good... good days ahead and a good life for all the citizens of Illinois. We also ask, Oh Lord, You bless those who are in need, for You know their needs and You know their wants. Bless our entire country and bless those who serve in the armed forces that are protecting our interests in foreign lands. As we go forth each day, may Your spirit guide us. In the name of our God, we offer this prayer and we thank Thee for another day to serve. Amen."

Speaker Hannig: "And Representative Jerry Mitchell, would you lead us in the Pledge."

Mitchell, J. - et al: "I pledge allegiance to the flag of the United States of America and to the republic for which it

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stands, one nation under God, indivisible, with liberty and justice for all."

Speaker Hannig: "Roll Call for Attendance. Representative Currie."

Currie: "Thank you, Speaker. Please let the record show that Representative Patterson is excused today."

Speaker Hannig: "And Representative Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that all Republicans are present and ready to do the work of the people."

Speaker Hannig: "Representative... Okay. Okay. Mr. Clerk, take the record. There are 117 Members answering the Roll Call, a quorum is present. Representative Flider, for what reason do you rise?"

Flider: "A point of personal privilege, Mr. Speaker."

Speaker Hannig: "State your point."

Flider: "Yes. Mr. Speaker, Ladies and Gentlemen of the House, I'd like to call your attention to the corridor to my left here. Today is Route 51 Hot Dog and Chili Day. And if you've been around here long enough, you know that there are an awful lot of people who believe that the expansion of Route 51 from a two-lane into a four-lane highway is very important and we have a group of dedicated citizens, community leaders up and down Route 51. Forsyth... many people from Decatur are here, the Decatur Chamber, Pana, Vandalia, Forsyth here, and they are expressing their gratitude for the... to the Legislature for helping to expand Route 51, helping to improve economic development downstate. And so, they are providing us with chili and hot dogs in the

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corridor. The only stipulation is some of them might require you to wear a button or a hat, that's optional. But... wanna thank them for coming today and providing Ray's Chili in particular want to thank the Ray's Chili owners, Jay and Nicole, for being here today. He lives in Decatur. The company's in Decatur and it's a product of... of central Illinois. So, thank you very much."

Speaker Hannig: "Thank you, Representative Flider. We're going to begin today as we have... oh, excuse me... with the Committee Reports."

Clerk Mahoney: "Committee Reports. Representative Holbrook, Chairperson from the Committee on Environment & Energy, to which the following measure/s was/were referred, action taken on March 02, 2006, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #1 to House Bill 2197 and House Resolution 843. Representative Phelps, Chairperson from the Committee on Agriculture & Conservation, to which the following measure/s was/were referred, action taken on March 02, 2006, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #1 to House Bill 2317. Representative Monique Davis, Chairperson from the Committee on Appropriations-General Services, to which the following measure/s was/were referred, action taken on March 02, 2006, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #1 to House Bill 3905. Representative Molaro, Chairperson from the Committee on Judiciary II-Criminal Law, to which the following measure/s was/were referred, action taken on March

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02, 2006, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #1 to House Bill 3127. Representative Reitz, Chairperson from the Committee on Revenue, to which the following measure/s was/were referred, action taken on March 02, 2006, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' House Bill 5283; 'recommends be adopted' House Resolution 908. Representative McAuliffe, Chairperson from the Committee on Veterans Affairs, to which the following measure/s was/were referred, action taken on March 02, 2006, reported the same back with the following recommendation/s: 'recommends be adopted' House Joint Resolution 98 and House Resolution 900."

Speaker Hannig: "On page 11 of the Calendar, under the Order of House Bills-Third Reading. Representative Eddy, you have House Bill 2734. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 2734, a Bill for an Act concerning civil law. Third Reading of this House Bill."

Speaker Hannig: "Representative Eddy."

Eddy: "Thank you very much, Mr. Speaker. House Bill 2734 is the result of an agreement with the Press Association and would have the effect of setting a maximum rate for public advertising. And I would be happy to answer any questions anyone may have on the issue."

Speaker Hannig: "Is there any discussion? Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting... Excuse me. Representative Davis, did you wish to speak?"

Davis, M.: "Yes. Will the Sponsor yield?"

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Speaker Hannig: "He indicates he'll yield."

Davis, M.: "Representative, would you go over that a little... again, please?"

Eddy: "Yes. What this does is, for public advertisements whether it's a school district or a municipality, whomever, if they have a mandate to advertise in a newspaper, an announcement of some type or another, this simply does not change anything in the public ad but it sets a maximum rate that can be charged for that ad at the same rate that other advertisers pay for the same type of ad. But it doesn't change the ad at all, Representative."

Davis, M.: "Okay. But the school district will still be required to print the information. Is that correct?"

Eddy: "That's absolutely correct."

Davis, M.: "Okay. Thank you very much, Representative."

Speaker Hannig: "So, the question is, 'Shall this Bill pass?' Representative Moffitt, would you wish to ask questions?"

Moffitt: "Just a question. Are there any opponents? And I just got on the floor."

Speaker Hannig: "Okay. The Gentleman will yield."

Eddy: "Representative, there are no opponents. In fact, the Illinois Press Association has signed on as a proponent of this Bill. This is agreed language with them. I think you're thinking of the Bill that changes..."

Moffitt: "Right."

Eddy: "...the ad and there is still some work being done on that. However, on this particular Bill, there are no opponents."

Moffitt: "I appreciate that. Thank you for your indulgence. Thank you, Mr. Speaker."

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Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Granberg, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 117 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Bill Mitchell on 4081. Out of the record. Representative Beaubien on 4293. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4293, a Bill for an Act concerning insurance. Third Reading of this House Bill."

Speaker Hannig: "Representative Beaubien."

Beaubien: "Ready?"

Speaker Hannig: "Yes. Representative Beaubien."

Beaubien: "Thank you, Sir... Mr. Speaker. House Bill 4293 will allow HMOs to sell health savings accounts. I think it brings us into modern standards and will not require people to leave their HMOs to... to go to PPOs and then have to... in order to get this high deductible plan. I'd appreciate an 'aye' vote."

Speaker Hannig: "The Gentleman has moved for the passage of House Bill 4293. Is there any discussion? Then... Okay. The Gentleman from Cook, Representative Miller."

Miller: "Thank you... thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Miller: "Some of the... Representative, some of the comments that I received on it, on this legislation, argues the fact that

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this actually decreases availability of health care. Can you comment on that?"

Beaubien: "I don't believe that it does. Under the current regulations, according to the Department of Insurance, the deductibles on HMOs can be as high as 3 thousand for individuals, 6 thousand for a family. The high deductibles under the HMOs are a thousand and fifty for an individual, 25 hundred for a family... a family plan. Employers can already do this. They already have the ability to do it. They can raise the premiums. If they raise the premiums above those amounts, that is the deductible... I'm sorry... not the premiums, the deductible, will not allow those individuals that have HMOs to take advantage of the health savings accounts which gives individuals a great deal of flexibility in how they spend their money. And I don't believe it... it at all affects the availability of... health care."

Miller: "Representative, backtrack here. You're a very bright numbers guy. What exactly does this do in terms of... of a high rate deductible? Is it... is it similar to like a... to like my car? My deductible may be higher. Clearly, my... if my deductible's higher, my monthly payment is lower with, ya know, as that corresponds. Is the level of health care any different? And also, who... you had said something that... in regards to, I think in our analysis, the Internal Revenue Code. Who collects this and how does this operate?"

Beaubien: "It operates... the individual sets up the plan. And also, by the way, the employer can contribute money. The first part of your statement is absolutely accurate. The

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higher the deductible, obviously, the lower the premium. This gives the individuals the ability to raise the deductible and come under the HSA provisions, which allows them to use their money for all kinds of things that they couldn't use under their normal policies, perhaps eyeglasses, perhaps braces. It allows 'em to pay for things like eyeglasses and dental care and contact lenses. Oh, by... by the way, over 40 states already do this."

Miller: "So, your... your argument is the fact that the... just be, ya know, if you opt for a higher deductible, it can increase coverage or... or different services."

Beaubien: "If you have an HSA, you have access to that account that you set up. It's your account and you can take it from job to job, nobody can take it away from you. You're able... it's very mobile in its feature. But it allows you to take and pay expenses that are not otherwise covered by your health insurance and under the Federal Law, allows you to deduct that from your income tax. So, it really gives the taxpayer an advantage if they have a high deductible program. Many employers of individuals find themselves in situations because of the cost of health care they have to go to a higher deductible. So, why not give them the opportunity to do it and have a tax deduction for the expenditures that vastly... actually cover items that are not included under your policy. Again, such as perhaps dental care or eye care."

Miller: "Okay. As... as far as... as far as some of the... I guess the question is, did the... when you look at the proponents on our side versus the opponents, you see that the insurance

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industry overwhelmingly is... is a proponent of this versus, I believe, the Hospital Association and other citizen action and other good government groups are against this. Why would the insurance industry be for this and... and is it just so they can receive additional dollars? I just don't understand that."

Beaubien: "The insurance company for it because they already... it already is available to people under the PPOs. They wanna become in synch with other states that allow individuals and corporations to go to the health savings account and have a tax free expenditures of their dollars. This is an opportunity for the individual to deduct money they'd otherwise have to pay out of pocket and get no deduction for it."

Miller: "Okay, last question. How... how does this correlate? Last year or last... last year we had a Bill which would basically have insurance coverage ala carte. So, some of the mandated services that this General Assembly has fought for from particular screenings to... to whatever, that members could pick and choose what they can have. And I would argue that... I voted against the Bill 'cause, I believe, you know, all of us absorbing that coverage provides a cost saving for those who may need it in addition to those who are... you may just never know..."

Speaker Hannig: "Representative, your 5 minutes have expired. Would you bring your remarks to a close."

Miller: "And so, I just wanted to at least get a correlation between the ala carte legislation that another

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Representative had sponsored earlier this year and how that correlates to this."

Beaubien: "I don't believe it affects the ala carte concept at all. And I'd like to point out, that once the deductible is reached, there's a hundred percent coverage for these individuals."

Miller: "Okay."

Beaubien: "Once it's exhausted, yes."

Miller: "All right. Thank you, Mr. Speaker."

Speaker Hannig: "The Gentleman from DuPage, Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. Will the Gentleman yield?"

Speaker Hannig: "He indicates he'll yield."

Daniels: "Representative Beaubien, the Illinois Hospital Association asserts that this Bill passed, if it passes, that the out-of-pocket expense will shift from the insurance industry onto the insured. The insured would have to pay higher deductible amounts before the health plan would kick in. Secondly, they also assert that the Bill will create more cost and problems for hospitals and health facilities throughout Illinois. With increased deductible, the Illinois Hospital Association believes it will have an increased problem with people who cannot pay their medical bills and therefore, are required to pay the deductible amount. Have you addressed these concerns of the Hospital Association?"

Beaubien: "Yes, we have and frankly, I do not understand their argument."

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Daniels: "So... so..."

Beaubien: "Individuals and corporations can already go to higher deductibles."

Daniels: "...your answer is you've addressed their concerns. How have you addressed the concerns of higher deductibles?"

Beaubien: "I haven't addressed them because I don't understand their argument. I don't understand how this hurts the hospitals at all."

Daniels: "Well, you can understand, with several Bills pending, that our construct is very harmful to the hospital future that they would also be concerned if you'd have to pass on these medical costs to the hospitals or to the insured and then the hospitals would have to go after them in an unfavorable fashion in order to collect their sums."

Beaubien: "If you have an HSA, that gives you the source of payment."

Daniels: "So, in other words, the Hospital Association is still opposed?"

Beaubien: "Yes, they are."

Daniels: "Is anyone else opposed to the legislation?"

Beaubien: "Southern Illinois Health Care, Illinois Health Care, Provena, AFSCME, SIU, and OSF Health Care."

Daniels: "So, the two unions, AFSCME and SIU are opposed. Do you know why they're opposed?"

Beaubien: "No, I do not."

Daniels: "And they haven't contacted you with their opposition?"

Beaubien: "I'm... have not talked to them at all, no."

Daniels: "Okay. All right. So, just expressing my concerns. Thank you."

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Beaubien: "Thank you."

Speaker Hannig: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Will the Gentleman please yield?"

Speaker Hannig: "Indicates he'll yield."

Flowers: "Representative, I'm sorry, it was kinda noisy in here and I really did not hear. What is the purpose of this legislation?"

Beaubien: "The purpose of this is to allow HMOs to establish... to be able to sell health savings accounts."

Flowers: "To allow HMOs to sell health savings accounts?"

Beaubien: "No. To offer health savings accounts. The individual will have the ability to set them up. If they choose to do so, they can do it."

Flowers: "Okay. Right now, if I had an HMO, my employer is paying the HMO. Am I correct?"

Beaubien: "It pays up to half the deductible. Yes."

Flowers: "Okay. And for the services that has never been rendered to me, but the HMO has been paid up front for services that has never been rendered. Am I correct about that?"

Beaubien: "Could you... ask the question again. I don't understand the question."

Flowers: "HMOs are paid up front for services not necessarily that have been rendered. My employer may be paying for my health care, the HMO, but I may have not been to the hospital or to a doctor in 2 or 3 years. Is that correct?"

Beaubien: "HMOs pay physicians a capitated payment."

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Flowers: "HMOs do pay providers a capitated fee and I'm glad you brought that up, because all the monies that that provider do not use, all the monies that that doctor do not use that doctor get a chance to keep for his or herself. Those are the capitated fees, but my question to you, Sir, HMOs are paid up front by ABC employer for its employees and chances are some of those employees have never been to the doctor, have never used their HMO and so, as a part of that capitated fee, that's what that provider get a chance to keep because the HMO is keepin' part of it and the provider is keepin' part of it. My point to you is, quite frankly, I think what you already have, the HMOs already have is a... is a health savings account in how they're doin' business today, because the monies that the employees do not use they... the HMO get a chance to keep as well as the employee get a chance to keep. But to the Bill. To the Bill, Mr. Speaker and Ladies and Gentlemen of the House. HMOs are already paid up front for services that has never been provided. To have someone to pay a thousand dollars before they can go and see a doctor is one's nightmare, because it's not necessarily that they will be able to pay the thousand dollars and as a result of them not being able to pay, whatever their illness would be, could only get worse. This is a very bad piece of legislation. It affects the poor. And is something that we should not be condoning here in the State of Illinois. I would very much urge a 'no' vote on this Bill. Thank you."

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Speaker Hannig: "Okay. So, we've had three speak in opposition. The rules provide two additional speakers in support. Representative Osmond."

Osmond: "Thank you, Mr. Speaker. To the Bill. HMOs, if they are allowed to offer HSAs, it would provide the insured with the opportunity to use a cheaper insurance plan, save the insureds money on their taxes, and allow insureds greater control over how their money is used. That's why I'm supporting this legislation and I ask for others to support it."

Speaker Hannig: "And then Representative Rose."

Rose: "Ladies and Gentlemen, a previous speaker asked a very simple question, which is why is the insurance industry in favor of this. Simple. Because it helps people afford health care. What is wrong with that? Why would anyone in this chamber be against helping people afford health care? We've sat here long and often tirelessly listening to people in here debate how to bring health care to the citizens of Illinois, how best to do it. This is one way that's gonna be a positive effect on millions of Illinoisans to help them afford for health care for themselves and their families. Anyone who's against this Bill is against helping empower Illinoisans to bring health care to them and their families. This is really simple, Ladies and Gentlemen, either you're for helping families... working families afford health care or you're against helping working families afford health care. It's as simple as that and I'd urge an 'aye' vote."

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Speaker Hannig: "So, under the rules of debate, we've now had three in favor and three in opposition. So, Representative Beaubien is recognized to close."

Beaubien: "Thank you very much. And there's been a lot of confusion and discussion of the Bill, but it's really quite simple. It will allow HMOs to sell HSAs and it is beneficial to the employers and the employees of the state. A lot of rhetoric here that frankly didn't make a whole lot of sense, but it's a very simple concept. And I think it should... I urge an 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Molaro. Mr. Clerk, take the record. Representative Beaubien, would you request Postponed?"

Beaubien: "I request Postponed Consideration."

Speaker Hannig: "Okay."

Beaubien: "Yes."

Speaker Hannig: "So, the Gentleman requests Postponed Consideration. Representative Collins, do you wish us to read House Bill 4338? Representative Collins. Out of the record. Representative Jefferson on 4342. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4342, a Bill for an Act concerning property. Third Reading of this House Bill."

Speaker Hannig: "Representative Jefferson."

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Jefferson: "Thank you, Mr. Chairman... Mr. Speaker. What this... what this Bill does, 4342, it amends the... as amended, it replaces everything after the enacting clause with the following. The Mobile Home Park Act is amended by adding Sections 9-15 as follows: fire safety, adequate private water supply system to the hydrants for fire safety purposes should be maintained in operable condition and good repairs as defined by the Department of Public Health of mobile home parks licensing agency. This is a good Bill. What it does is put standards in place. The Mobile Home Association is with this Bill. The firefighters are with this Bill. The chiefs are with this Bill. I would encourage your support and ask for a 'yes' vote."

Speaker Hannig: "The Gentleman has moved for the passage of House Bill 4342. And on that question, the Gentleman from Macon, Representative Flider."

Flider: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This legislation is legislation that is designed to protect people... protect people's lives. It stems from a number of different incidences that have occurred throughout the State of Illinois, but in particular one in which recently occurred in Decatur, Illinois. It occurred last year. And what happened in that instance was the Decatur Fire Department showed up at a mobile home park believing that the fire protection system was working, was in good order. They pulled up with their trucks, they hooked up to the fire hydrants found that there was no water, in fact, the fire hydrants were not in good order. And the irony of this is that not only do the people in the mobile home parks

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who live there believe that their systems are safe when they see a fire hydrant, the fire department that shows up believe that they're able to fight a fire and they hook up and find they can't fight a fire. So, not only are the residents of the mobile home park in jeopardy so to is the safety of the firefighters. So, we wanna make sure that simply with this legislation and I wanna thank Representative Jefferson for carrying this and making it a good Bill. We've... we've definitely worked with the mobile home park owners on this and tried to find good solutions to their concerns, but we wanna make sure that those who live in mobile home parks are safe and that when they sleep at night and there's a fire system out there, that they know that that system will be working. And at the same time, this legislation will insure that statewide city fire departments, rural fire protection districts are very in tune with the safety aspects of mobile home parks. What it requires is communications between the mobile home park owners and the fire departments. They're simply required to have a communications as to the safety and so that the fire department knows when they show up should they bring a pumper truck, should they hook up to the fire hydrant, what's the situation. This is just good practice, good legislation and this deserves your support. Thank you."

Speaker Hannig: "Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

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Black: "Representative, what... what if the mobile home park does not... excuse me, does not have access to city water? How then are they to construct or maintain a hydrant system?"

Jefferson: "This really doesn't have anything to do with city water. This is whether or not there's an existing water main there already. If, in fact, it is existing water main there, we're asking you to maintain it in a proper manner."

Black: "Well, many... many mobile home parks in my area have a well, a common well. And I... I question... ya know, you've gotta have a very high capacity pumping system in order to make a fire hydrant work. Now, what if... what if their water system meets Department of Public Health standards for drinking water but does not have storage capacity, nor pumping pressure for a fire hydrant? What do you do in that case?"

Jefferson: "Well, this does not require the city to come in and install a new system if there's one... not one already there. If, in fact, there is one there, all it says is that you have to keep 'em up to code, maintain them so they can be functional in event there is a fire."

Black: "So, in other words, if... if the mobile home park in a rural area that does not have access to a water main, a line coming from someplace, they have a common well, where they could not have fire hydrants, they just don't have the pressure or the gallons per minute. But if their water supply meets county ordinance and their water supply is tested and approved by the Department of Public Health, now are they wavered? I mean, are they able to maintain their mobile home park?"

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Jefferson: "Certainly. I'm sure at this point they've got some type of mechanism in place to fight fires in the event there is a fire."

Black: "Okay."

Jefferson: "So, this doesn't say that you have to install a water main or..."

Black: "Okay."

Jefferson: "...water hydrants simply because you don't have one. If you've got a mechanism already in place that's acceptable by the fire departments in that area, that's fine."

Black: "All right. So, it doesn't... it doesn't mandate that an existing mobile home park would have to install fire hydrants when they, for example, would know that they don't have the ability to pump enough gallons per minute to really make the hydrant work?"

Jefferson: "No. It doesn't mandate it at all. It says..."

Black: "All right. So, if the... if the volunteer fire protection district in this area says that because of their self-contained pumpers and their... their water containers that volunteer fire departments use, if, in their opinion, they are able to offer adequate fire protection, then the owner would not face any sanctions, as long as they had taken prudent precautions, had been approved by their local volunteer fire department or fire protection district, and meet any county ordinances pertaining to this. Correct?"

Jefferson: "That's exactly right, Representative."

Black: "All right. Fine. Thank you very much, Representative."

Jefferson: "Thank you."

Black: "I appreciate your help."

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Speaker Hannig: "Representative Munson."

Munson: "Thank you, Mr. Speaker. To the Bill."

Speaker Hannig: "To the Bill."

Munson: "This Bill provides much needed protections for the more than 300 residents in the State of Illinois who live in manufactured home communities. I wanna commend the Sponsor for bringing this very long overdue Bill to the floor. Thank you. I urge your 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Granberg, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Miller, for what reason do you rise?"

Miller: "A point of personal privilege."

Speaker Hannig: "State your point."

Miller: "Ladies and Gentlemen of the House, today is my seatmate, John Fritchey's, birth... 42nd birthday. Let's give him a round of applause. And we... and we have cake here for everybody to enjoy."

Speaker Hannig: "Representative Wait, shall we read House Bill 4396? Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4396, a Bill for an Act concerning public health. Third Reading of this House Bill."

Speaker Hannig: "Representative Wait."

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Wait: "Thank you, Mr. Speaker, Lady and Gentlemen of the House. House Bill 4396 simply says that if a police officer comes in contacts with a person and the mucous or the direct skin can come in contact and the doctor thinks that it might create AIDS, that the person shall be tested. Be happy to answer any questions."

Speaker Hannig: "The Gentleman moves for the passage of House Bill 4396. Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Sullivan, shall we read House Bill 4405? Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4405, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Hannig: "Representative Sullivan."

Sullivan: "Mr. Speaker, Ladies and Gentlemen of the House, this is a similar Bill to last year that passed out of the House that stalled over in the Senate. What this Bill does is it allows IDOT to enter into lease agreements for less than market rate as long as it's with one of the listed units of local government being: schools, parks, townships, and municipalities. There was some opposition that was removed as of yesterday with the Amendment that clarified the length of the leases to be 1 year and defined what permanent structures are. What these leases allow is that there be no

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permanent structures in year-to-year leases for the purposes of building a recreational areas. I... open to any questions."

Speaker Hannig: "Is there any discussion? The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield for one question?"

Speaker Hannig: "Indicates he'll yield."

Black: "Representative, on the renewable portion of the lease, would IDOT have the right to exert its... in other words, I guess I'm trying to say, does IDOT have an inalienable ability to cancel the lease upon the anniversary date?"

Sullivan: "Yes. Our understanding it's gonna be year-to-year renewable leases..."

Black: "Okay."

Sullivan: "...maximum years. But let's say that that road is funded and it's gonna come through, they're gonna cancel the lease. The units of local government, at least the group that I'm working with on a specific project, all know that once the road goes through, they're done and, ya know, they got to use the land for 'x' amount of time. The land that I'm talking about has been vacant for about 35 years... 36 years and it's within about a block and a half of a school. We're gonna build ball fields..."

Black: "Okay."

Sullivan: "...and things of that nature."

Black: "All right. Thank you very much."

Sullivan: "You bet."

Speaker Hannig: "Representative Dugan."

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Dugan: "Yes, Speaker. Will the Sponsor yield?"

Speaker Hannig: "Indicates he'll yield."

Dugan: "Representative, I just wanted to check. You said that there was opposition to the Bill which many of us knew and now that's been taken off. Is... our analysis is not showing that. I just wanna check."

Sullivan: "Yes. That... IDOT and road builders are... have come off of opposition. They were originally. The Amendment that I, in committee, discussed with you, was adopted yesterday. With that Amendment, there is now no opposition. And in... in essence, IDOT is gonna help us with this as Representative Hoffman is on the Bill."

Dugan: "Okay. I just wanted to make sure that was clarified. Thank you."

Sullivan: "Yep."

Speaker Hannig: "Representative Sullivan to close."

Sullivan: "Thank you. I just would request an 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'yes' and 3 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Okay. Representative Howard, on page 12 of the Calendar, there's House Bill 4447. It's my understanding you're gonna handle that for Representative Patterson. Is that correct? Page 12 of the Calendar on the top of the page, 4447. We'll come back to it later then."

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Representative Sacia on House Bill 4521. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4521, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Hannig: "Representative Sacia."

Sacia: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I think every one of us that comes here has a particular passion and mine is certainly... would go to the heart of the men and women of law enforcement. House Bill 4521 addresses an issue that is of great concern and it is my second year trying to find a revenue source for the men and women of law enforcement, in particular, the Illinois State Police. What House Bill 4521 does is if a person desires to plead guilty for a traffic offense and they ask for supervision and I would point out to you, Ladies and Gentlemen, supervision is a great privilege. Not all of us on this floor have the privilege of supervision. I, for one, do not, as I have a CDL driver's license. Representative Tenhouse, Representative Bost, Representative Brauer, Representative Poe, many others on this floor cannot receive supervision because we have certified driver's license. What 4521 does is it creates a revenue source for squad cars for law enforcement. Twenty-five dollars would be allocated to anyone or I should say, would be assessed additionally to anyone who asked for and received supervision for a traffic violation. It is a Bill that is win-win for everyone, certainly the administration, certainly for the other side of the aisle, certainly for anyone that gets a traffic ticket and asks for supervision.

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If you ask for and receive supervision, it is a six-month probationary county period. It is something that does not go on your permanent record and accordingly, you will keep your insurance rates low. It's a very positive Bill for the men and women of law enforcement. And I know all of you here are aware of the dire straits of the State Police, in particular, who for the past 4 years have received no funding whatsoever for squad cars. I know some of you will bring up on this House Floor that the Governor just gave the Illinois State Police 500 new squad cars. I submit to you, Ladies and Gentlemen, that is absolutely true. What I'm sure most of you are not aware of is those 500 vehicles will only replace vehicles with over a hundred and fifty thousand miles. Rather than just go on, I would welcome your questions and look forward to them. Thank you, Mr. Speaker."

Speaker Hannig: "Representative Colvin."

Colvin: "Thank you, Mr. Speaker. Will the Sponsor yield for questions?"

Speaker Hannig: "Indicates he'll yield."

Colvin: "Representative Sacia, can I ask you first where this piece of legislation came from?"

Sacia: "Yes, Sir. Illinois Troopers Lodge 49... 41... Illinois State Troopers Lodge 41."

Colvin: "And you worked with them in developing this piece of legislation. And if memory serves correct, it was last year that there was a... another Bill that was drafted to address this same problem that would have assessed a \$1 fee on the price..."

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Sacia: "License plates..."

Colvin: "...of renewing your driver's... I mean, excuse me, not your driver's license, but your plates..."

Sacia: "Yes, Sir."

Colvin: "...which are now \$78, would have made it \$79 with the additional dollar that everyone would have paid."

Sacia: "That's correct, Sir."

Colvin: "Can I ask you... so, not everyone obviously gets speeding tickets."

Sacia: "Right."

Colvin: "So, we're looking at a specific group of people as opposed to trying to spread the burden of funding new police cars on everyone. Let me ask you this question. Twenty-five dollars, that number was derived how?"

Sacia: "It was a very lengthy process, Representative Colvin. It took literally the past two months of a workout to come to that. We started out with a lesser figure than that, but what we were trying to do was create an 8 million dollar-a-year revenue stream for the Illinois State Police and to get them on a normal rotation, that's what would be required is approximately \$8 million a year. They have approximately 2 thousand vehicles and if they start rotating them out at 80 thousand miles, which is a nationwide standard for State Police vehicles, to rotate them out at about 80 thousand miles when they still can be sold to a municipality or a cab company or other interested people for say in the neighborhood of 8 to 10 thousand dollars. What's happening in the State of Illinois, we are literally running the

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wheels off our squad cars and selling them for in the neighborhood of 2 to 700 dollars."

Colvin: "Well, let me ask you this. In a comparison, now that we've talked about the two pieces. What was the... the revenue that would have been generated had we done it with the \$1 on everyone who renews their driver's license versus the \$25 based on the number of people who have received tickets and will receive supervision?"

Sacia: "Roughly... roughly the same sum of money, Sir. To the Illinois State Police, roughly the same sum, \$8 million."

Colvin: "Representative, do you think it would have been... in supporting this legislation, do you think it would have been fairer to spread this burden of \$1 across the entire State of Illinois for a service that all of us enjoy, that is, the protection of the Illinois State Police and other police who would benefit from such a legislation or just to segregate one group of people, those who have received moving violations, who get the... and I think you used the word... 'privilege' of supervision to have a \$25 fee assessed on the ticket they receive? Now, I understand also when you get supervision, there's still the fine that has to be paid for the speeding ticket, right? You just don't pay the \$25 and get supervision. Is that correct?"

Sacia: "No. You're correct, Representative Colvin. If... if I may draw an analogy, in Logan County, I believe, the sum... I believe I'm correct in saying it's a hundred and twenty dollars. It's 75 for the violation and then an additional sum for the administration of the supervision."

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Colvin: "Okay. I also think that... do you not think that it is the responsibility of the State of Illinois to fund... for... to create a fund or to appropriately put money toward the purchase of new police cars, that this is a public safety issue of the utmost importance? I, too, share that concern with you."

Sacia: "I know you do."

Colvin: "And that it is probably better if the state meets its obligation to do so. Now, I'm aware, as a Member of the Appropriations of Public Safety Committee, that there's an additional \$15 million in the budget and while it will replace approximately 500 cars, it won't replace all of the cars, but it'll replace 500 which is a good start. With an..."

Speaker Hannig: "Representative, your 5 minutes have expired. Would you bring your remarks to a close."

Colvin: "With that, I will speak to the Bill. Mr. Speaker, I stand in opposition to House Bill 4521. I have tremendous respect for the Sponsor and I understand and empathize with his position with regard to safety of... public safety officers and the job that they do. But supervision is a great privilege that's enjoyed by all, it's been described as a privilege, but it's a privilege that already exists. What we're simply doing here is now charging people a fee for something that's already part of Illinois law. I would hate to be in the courtroom where I would have a constituent, having in good conscience voted for a Bill, that on top of a hundred and fifty dollar speeding ticket, now know to get that driver's license back and to receive

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the privilege of having supervision, another \$25 assessed on their fee. That is an exorbitant fee. That is an exorbitant fee. And I would hate to have a constituent to know that I voted 'yes' to takin' another \$25 out of their pocket. If you're speeding and you get a speeding ticket, you should pay the fine. But I don't think we should start asking the taxpayers of the State of Illinois in some extraordinary way to start funding for government. I think we're opening up a... a real dangerous Pandora's Box by doin' something like this. I supported the Bill for \$1, ya know, and that was a fee too, but I thought that was a more fair and appropriate way to spread the burden for a privilege that we all enjoy and that's the protection of State Police. I would have supported five extra dollars if it was spread across the state and that we all absorb the burden of funding this. But to assess this on someone who's just been caught speeding, I don't think it's fair. Ladies and Gentlemen, I respectfully ask you to vote 'no' on this extravagant fee. I think it's just too burdensome to people whether they be low-income or senior citizens, who may have been caught doin' 50 miles over the speed limit or 2 miles over the speed limit, to pay an additional \$25 to enjoy a piece of the law in the Illinois Traffic Code that they already enjoy by receiving supervision. While I have great respect for the Sponsor and I know he knows that, I respectfully ask you to vote 'no' on this Bill."

Speaker Hannig: "Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

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Speaker Hannig: "Indicates he'll yield."

Black: "Representative, in the way your Bill is currently configured, if you don't want supervision, you don't request court supervision, you don't pay anything. Correct?"

Sacia: "That's absolutely correct, Representative Black."

Black: "Most people who request court supervision in... in my history and having had many friends who have gone through this. When you request court supervision so the violation doesn't appear in your driving record, I've known some people that would literally be willing to pay any amount of money that they could reasonably afford to get court supervision. Is that... do you have that similar feeling?"

Sacia: "Absolutely, Sir, absolutely."

Black: "Well, I thank you for that answer. And Ladies and Gentlemen of the House, I think that's what you need to focus on. This does not put a burden on anybody unless they want to pay that fee. And if you are in a court... I've not had a speeding ticket for about 18 or 19 years, but when you do get one and you're given the opportunity of court supervision or you request that the judge give you court supervision, you're almost willing to pay whatever you can reasonably afford to get court supervision. This... this amount of money on this ticket does not require you to pay anything unless you want to be granted a privilege that a judge can grant in some cases and you then will pay for that privilege. And there are associated costs with that privilege. And in response to a Gentleman on the other side of the aisle, yes, I think all of us think that the orderly replacement of State Police cars are a function of State

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Government. And as I said when this Bill first came up, many of us passed a law some years ago modeled after a very successful program in Missouri called Operation KickStart where the state would appropriate enough money for three consecutive years to purchase one-third each year of... one-third of the fleet would be purchased new each year. Then after the 3 years of appropriation we would not be in the appropriation business any more for State Police cars. The State Police would manage their fleet, would trade in the cars, one-third of the fleet, every year, would manage that very carefully and that money would then be used to replace the fleet on an orderly basis. It's worked very well in Missouri, but in response to a Gentleman on the other side of the aisle, for a number of reasons Illinois has chosen not to fund Operation KickStart. So, we must look for another source of revenue. The last ride-along I had, with a State Trooper, was some years ago, an 8-hour shift, basically we were on I57, that automobile had a burnt out valve, could not be involved in a high-speed pursuit and I won't even get into the radio system that didn't work and that ride-along has been 12 or 15 years ago. The problem is here, it's now, it won't go away, and it can't get any worse. You're spending more money on tying up State Police cars in garages to get them fixed than what it would cost to buy a new car. I think it's an outrage when we have documented cases where a State Trooper could not get to an accident scene because his or her car broke down en route. That is a black eye for all of us in the State of Illinois. We can argue about the best way to do it, but we're in a

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crisis and we must do it now. And I rise in strong support of the Gentleman's Bill."

Speaker Hannig: "So, this is on the Order of Standard Debate.

Representative Lou Jones is recognized to speak next."

Jones, L.: "Thank you, Mr. Speaker and Members of the House. Will the Sponsor yield?"

Speaker Hannig: "Indicates he'll yield."

Jones, L.: "Representative, are you aware that there is money in the State Police budget for new cars? There was an increase in their budget and the money was allocated for new cars."

Sacia: "Representative Jones, not only am I aware of it, I've already addressed it. That all that will do is replace squad cars with over a hundred and fifty thousand miles on them. There has been no revenue stream for the past 4 years and accordingly, their fleet is in such dire straits that the 500 vehicles that the Governor is allocating this year will only replace very, very, very high mileage vehicles and it is not scheduled as a regular revenue stream, hereafter."

Jones, L.: "Well, are you aware of the amount that's in there?"

Sacia: "I... I'm sorry?"

Jones, L.: "Are you aware of the amount that's in their new budget, their proposed budget?"

Sacia: "I still didn't understand the question, Representative Jones. I'm very..."

Jones, L.: "Are you aware of the increase of the amount in their proposed budget for the new cars? Do you know how much it is?"

Sacia: "I... I believe it's between 12... I heard it was 12 million. A previous speaker just said 15 million. Either way, it

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will only replace 500 vehicles and there are 2 thousand in the fleet and over 75 percent of them already have a hundred and twenty-five thousand miles."

Jones, L.: "What would happen, Representative, if the \$25 was tacked on to somebody with supervision that they could and they did not... they could not afford to pay the \$25?"

Sacia: "That there's... there's a... there's a mechanism in the... in the legislation, Representative Jones, where let's say that you asked for and received supervision and the total fee came to, say, a hundred and forty-five dollars. Let's use that as an analogy, okay? What... what the circuit clerk can do... let's say you say, well, all I can pay is \$6 a week. That mechanism is there. You pay the \$6 a week."

Jones, L.: "So, you could pay it on time?"

Sacia: "Yes, Ma'am, without interest, I might add."

Jones, L.: "So, with the \$25... with the \$25 fee... well, to the Bill. You know, I think when you... when you go to court for any reason at all whether it be for speeding or whatever the infraction is and it... and it's up to the judge to determine whether you have the supervision or not and he gives you the supervision, I just don't think it's right and it's not fair to... for us as Legislators... to tack on another... another fee on to that when the judge is already reprimanding him or charged him or whatever. I think we can do that for any agency that needed... needed new cars. Right now, the Department of Corrections, they need new cars. They could do the same thing. I think it's a bad precedent and I think it's a hardship. At least I know in Cook County it would be a hardship. I don't know where... maybe where you from it

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wouldn't be. It would definitely be a hardship in Cook County to tack on that \$25 and I think it's... I just don't think it's fair to do and I urge a 'no' vote."

Speaker Hannig: "Representative Graham. Representative Graham, did you wish to speak on this?"

Graham: "Yes."

Speaker Hannig: "Proceed."

Graham: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Graham: "Representative Sacia, tell me how the court supervision process works."

Sacia: "I sure will. Let's say that you get a speeding ticket, 10 miles over the speed limit, and I know you would never do that, but for the purposes of our discussion here. Let's say that were to happen and you asked for supervision. The normal fee of \$75 for the ticket is there, then... I will use an example from right here in Sangamon County... a document storage is \$5, the county general gets 25, the agency gets 28 and the state fee is \$10.93. So, it... it's broken down either by dollar amounts or depending upon the county by percentage, as in Logan and Cook."

Graham: "Okay. So, if a person is caught speeding and he goes before a traffic court or what have you, and... will the traffic court process automatically offer supervision?"

Sacia: "You would have to ask for it, Representative. I... I don't think, at least I'm not aware of it being as an automatic mechanism, I think you would have to ask for it, if you wanted supervision. And the reason that is,

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Representative Graham, is... is it's being extended to you as a privilege."

Graham: "I don't... I don't think you necessarily have to ask for it. It's probably... I think it's offered to you if you haven't had any other speeding violations within six months, moving violations within six months."

Sacia: "I... I..."

Graham: "So, I think as a courtesy out the gate... that's how it is in Cook County, so out the gate, if you're... if you have a moving violation, supervision is offered to you automatically."

Sacia: "If you went to court. It isn't gonna... I mean, if you... if you say I'm guilty and you send in your \$75, case closed and there is a permanent record on your driving record."

Graham: "Okay. So, what happens if a person refuses supervision?"

Sacia: "Well, to refuse it, you... if you... I don't know how you refuse it because you have to ask for it. But let's assume that you refuse it, then you... you pay the \$75 and you say I'm guilty or you ask to go to court and... and get found innocent."

Graham: "Mmm hmmm. Well, in Cook County if you refuse the supervision, then it's reported to the Secretary of State's Office and then therefore it's reported back to your driving... your driving record and you get... by the time you go and get insurance, your insurance premium will probably be increased because you refused that."

Sacia: "You got it. You got it."

Graham: "Representative Sacia, is this a fee increase?"

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Sacia: "Absolutely not. Absolutely not in any way can this be construed as a fee increase. Absolutely not."

Graham: "So... what is this then? If you're asking for \$25, this exorbitant fee, this exorbitant increase, it... I don't understand how this is not a fee increase."

Sacia: "Okay. First of all, I... I guess I don't care for the word 'exorbitant', but if you wanna use it, that... that's certainly your privilege. What this is, is you are extended a privilege, Representative Graham, of having supervision to keep your insurance rates down, to make sure you do not have a permanent record on your... your driving... your driving... your driver's license. And all it is doing, it is saying that you, who have asked for and received a great privilege which, again, which many of us cannot even get, and it... it is not in any way a fee increase if you are asking for and granted the privilege of supervision."

Graham: "Representative, I may pay some if I have a moving violation. In Cook County, supervision is already... it's free, it's free of charge. I may pay some court associated costs to have it go into court but it's not so much as a fee as a cost of getting supervision. So, in my view, Representative, this is a fee increase because in Cook County supervision is free. I may pay some minor court costs, but supervision is free."

Sacia: "Well, philosophically, I... I would say that it's not free. Ya know, you're paying for the privilege of asking for and receiving supervision."

Graham: "Mr. Speaker, to the Bill."

Speaker Hannig: "You have fifteen seconds."

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Graham: "Thank you. Just... I stand in opposition to the Bill. I stand in opposition to the Bill. It's... I find it quite interesting when other colleagues will determine what's a fee increase and what's not a fee increase."

Speaker Hannig: "Let the Lady bring her remarks to a close. Representative Graham."

Graham: "Any time you're asking for additional dollars, it's a fee increase. That's been the definition in this Body since I've gotten here. When you try to rearrange something, it's always a fee increase. I see people falling off their chairs. Today, this Bill is a fee increase. I urge a 'no' vote."

Speaker Hannig: "So, we've had three speak in opposition, two in support. The rules provide for one additional proponent. Representative Joe Lyons."

Lyons, J.: "Thank you, Mr. Speaker. To the Bill. I've been sitting on the Transportation Committee for the 9 years that I've been down here. And the problem with the Illinois State Police needing police cars has been one that's probably been here long before I was first introduced to this 9 years ago. Representative Sacia last year tried to do an increase on the Secretary of State's license plate Bill with the best of intentions to try to improve the quality of automobiles that we ask our police officers in the State of Illinois to do the job that we ask and pay them to do. Representative Sacia has fought through this Bill, has amended it, has brought it back to committee on numerous times to try to make a good Bill even better. I rise in strong support for what he's trying to do here. It's been

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debated back and forth, back and forth. But Representative Sacia, I'm proud to be a cosponsor on this. And I would ask my colleagues to please join in supporting a good Bill for the State Police."

Speaker Hannig: "Representative Sacia to close."

Sacia: "Ladies and Gentlemen, in a brief closure. There is no money at all in the '07 budget for squad cars. Yes, there's 500 vehicles this year, there is nothing in the '07 budget for squad cars. All we are replacing with this 500 vehicles are vehicles with over a hundred and fifty thousand miles. Ladies and Gentlemen of the House, this Bill is totally noninvasive. All of us represent poor people. I have a significant number in my district. I have worked very closely with the Black Caucus and several Members over there discussing at length the concerns that they have and trying to get to the bottom of those issues. As an overview, this is a desperately needed Bill for the men and women of law enforcement. I respectfully ask for your support. Thank you very much."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Fritchey, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 82 voting 'yes' and 34 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Black, for what reason are seeking recognition?"

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Black: "Mr. Speaker, I have an inquiry of the Chair."

Speaker Hannig: "State your inquiry."

Black: "Mr. Speaker, I'm... I'm looking at a copy of the House Calendar that Mr. Madigan... Speaker Madigan was kind enough to put out on November 2 of 2005. It's the Spring 2006 Session Calendar. My wife and I... actually my wife was reviewing this because when it came out, if you'll look at this Calendar, the House was not scheduled to be in Session the week of March 6 through March 13. Now, this was given to me last November. My wife reviewed it last night and my... my apologies for not paying more attention. We purchased some time ago, she did, nonrefundable airline tickets for us to fly to Arizona that week and visit my father who is celebrating or will celebrate his eighty-eighth birthday. His health is not in the best. He had open heart surgery 3 years ago. And then I look at the Calendar today and I find out that on those days the House is not in Session, that next Tuesday, next Wednesday and next Thursday, when the House is not in Session, Appropriation Committees are scheduled to meet in Chicago. Now, many of us will be asked to substitute on that committee because our downstate Members... in my district that's almost a three-and-a-half hour drive... but I can't... I can't substitute for someone even further south than I who might have a five hour drive or a five-and-a-half hour drive. I have plans I cannot cancel. Let me check that. I will not cancel. These tickets were purchased weeks ago based on your Calendar. And I'm not going to miss a week of spending time with my eighty-eight-year-old father. And my question to

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you, Mr. Speaker, when did you move the Capitol to Chicago? Appropriation hearings... appropriation hearings should be held in the State Capitol while the House is in Session not some out-of-the-way room in the Thompson Center where you don't even have enough seats to accommodate people who wanna testify. And if you live in Carbondale, Illinois, and you wanna testify at the Appropriations Committee, you gotta pack a lunch and drive half a day to get there. I don't remember this ever being done. Now, Mr. Speaker, in all due respect to the Chair, I do not recall in my years of being in this chamber that we have adjourned for a week and then have Appropriation Committees in Chicago during the week we're off. And I can tell how concerned you are, you're not even in the Chair. Ya know, Mr. Speaker, I've tried to be patient and I've tried to be understanding, but you know what, we're spending 30 minutes on budget Bills that we used to spend 18 hours on. You started appropriation hearings and we didn't even have ISLS for most of the state agencies. This is a sham. It's a farce. And if you're gonna move the Capitol to Chicago, where the Governor has chosen to live, then put in a Bill and move the Capitol to Chicago. But I'm a downstater, I'm proud of it. This is the Capitol. This is where my constituents sent me and by God, this is where I intend to work. And I'm not gonna cancel my plans and I'm not goin' to Chicago for these sham hearings on a sham budget."

Speaker Hannig: "Representative Brady."

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Brady: "Thank you, Mr. Speaker. I'd like to call a Republican Caucus immediately in Room 118. Republicans will caucus in Room 118."

Speaker Hannig: "Do you have any thought on how long you might take, Representative?"

Brady: "I... I do not know how long it may take."

Speaker Hannig: "Okay. So, the House will stand at ease for Republican Caucus. The House will be in order. Will the Members be in their seats. We're going to resume House Bills-Third Reading on page 12 of the Calendar. Representative Bellock, you're the next Bill on the list, House Bill 4523. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4523, a Bill for an Act concerning regulation. Third Reading of this House Bill."

Speaker Hannig: "Representative Bellock."

Bellock: "Thank you very much, Mr. Speaker. House Bill 4523 is... would register tattoo and body piercing establishments through the Illinois Department of Public Health. This Bill was... asked me to sponsor it by the... the Coalition of Community Blood Cro... Blood Centers throughout Illinois and the Red Cross. It's an issue now in the State of Illinois because right now if you do get a tattoo, you may not give blood for a year and that's through federal guidelines. So, what this would do would be to register the tattoo parlors. There is a source of... there is a shortage of blood donors in Illinois right now because most of the donors are students and if you do, right now, get a tattoo, you cannot give blood for over a year. This is good public health policy because we need an adequate... safe and adequate blood supply

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in the State of Illinois. There's 35 other states that are doing it. I'd be glad to answer any questions."

Speaker Hannig: "The Lady... the Lady has moved for the passage of House Bill 4523. And on that question, the Gentleman from Cook, Representative Fritchey."

Fritchey: "Thank you, Speaker. Will the Sponsor yield?"

Speaker Hannig: "She indicates she'll yield."

Fritchey: "Representative, I wanna address that issue that we discussed in committee."

Bellock: "Right."

Fritchey: "I understand where you're going with this and I understand why, but this legislation exempts out ear piercing. The same health risks that will be posed by somebody having another part of their body pierced obviously exists with having their ears pierced as well. What's the logical basis... not the political basis... what's the logical basis for exempting out somebody getting an ear pierce but not any other body piercing?"

Bellock: "Thank you, Representative Fritchey, and I know you had that question and we looked into it. And the reason that we exempted it out is that the National Environment and Health Association guidelines does exempt it out. So that that is not a problem right now with what the blood centers are trying to accomplish with this Bill because if you do get your ear pierced you still can donate your blood. So, we just exempted that out of the Bill. It does include body piercing, it just does not include the ear piercing on the global part of your ear."

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Fritchey: "But why? And... I'm gonna support the Bill, I think. But, I mean, honestly, I don't get the logical reason why somebody would... why it's an issue if they get a cheek pierced or a tongue pierced but not an ear pierced. Ya know, if there's an issue with tainted blood from a nonsterile procedure, the same issue exists, whether it's an eyebrow or an ear."

Bellock: "I think because these federal guidelines said they do not consider it as much of a endangerment with public health as they do with tattoo piercing or body piercing."

Fritchey: "Okay."

Bellock: "I agree with you in those terms. This Bill just does not address that."

Fritchey: "And my... and my comment is obviously not directed toward you or this legislation, but given what you're tellin' me based on the federal regulation, I envision inherent and illogical conflict there that just doesn't make a lot of sense. But I appreciate your answers. Thank you."

Bellock: "Okay. Thank you."

Speaker Hannig: "Any further discussion? Representative Bellock to close."

Bellock: "Thank you very much. I just would encourage your 'aye' vote because of the blood centers wanting to encourage an adequate and good health supply of blood in the State of Illinois. Thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Mike Smith, do you wish to

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be recorded? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 1 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Hoffman, you have House Bill 4527. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4527, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Hannig: "Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This would provide that the \$10 fee that a county may impose on a defenmant... defendant on a judgment of guilty or a grant of supervision may be used to finance county drug courts, the county mental health court, or both. Currently, only the county mental health court can utilize the fees. This allows 'em to also to do it... use the fees for drug court. It is not an increase in fees. It's just a change in what you can use the fee for."

Speaker Hannig: "The Gentleman has moved for the passage of House Bill 4527. And on that question, Representative Black is recognized."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "Indicates he'll yield."

Black: "Representative, refresh my memory. I think we got... we did this a year or two ago, maybe longer than that and didn't this fee, at one time, also allows us to finance the Peer Court Program that's been very successful?"

Hoffman: "I think when we... I'm not sure when we did it, but the \$10 fee, I believe, it currently can only be used for county

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mental health courts. And this just says, or... 'or county drug courts or both.' That's my understanding."

Black: "All right. So, you... we're just adding one and not necessarily deleting anything else that we may have added at an earlier date."

Hoffman: "Right. We're leaving it up to the county to determine which one to use it for..."

Black: "Okay. Fine."

Hoffman: "...or both."

Black: "Thank you very much."

Speaker Hannig: "The Gentleman from Champaign, Representative Rose."

Rose: "Thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker Hannig: "Indicates he'll yield."

Rose: "Representative, what's the... what... what is the \$10 fee that you're talking about? Is this the underlying mental health fee or where's this fee coming from?"

Hoffman: "Currently, a \$10 fee can be paid by a defendant on a judgment of guilty or a grant of supervision under... under the Criminal Code. This does not change that. It just adds that you can use this to also fin... finance county drug courts at the determination of the county."

Rose: "So, what... where's the fee goin' right now? Is it at the discretion of the local county?"

Hoffman: "Currently, they can use it, if they do impose it, that the money's placed in the County General Fund and used to finance county mental health courts. This will just add

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they could also be utilized for the county drug courts or both of them."

Rose: "Outstanding, Representative. Ladies and Gentlemen, I... I think this is a great idea, this allows local control of where to use this money that'll be best situated in a county. Anyone who knows anything about drug courts knows that this is the future of drug abuse sentencing in the State of Illinois. It costs us \$24 thousand a year to put someone in the Department of Corrections. It costs \$5 thousand to put... through someone through drug court. Of the people in the Department of Corrections, 48 percent will return within 1 year of leaving the Department of Corrections. Drug courts only 12 to 15 percent will return within 3 years. We cannot afford to turn our backs on drug courts as the future of this problem in our state. And I salute the Sponsor for giving this option to local communities. Thank you very much, Representative."

Speaker Hannig: "Representative Bellock."

Bellock: "Thank you very much, Mr. Speaker. Will the Speaker yield?"

Speaker Hannig: "Indicates he'll yield."

Bellock: "Thank you. I just wanted to ask if... because we started one of the first mental health courts in Illinois in DuPage County. I'm just concerned if this money... if this will take the money away from that that we've already put into that fund just for the mental health courts?"

Hoffman: "The... that would be up to the county. If they have sufficient money and they have excess money, the county could then use that access... excess money and now allow them

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to also start a drug court. So, they could fund the mental health court and then this would allow them to also fund a drug court or they..."

Bellock: "Okay. But right..."

Hoffman: "...could just fund the mental health court."

Bellock: "Okay. 'Cause I think we have a drug court also. So, right now it would be up to the county's discretion where they wanted to put that."

Hoffman: "It's totally up to the county."

Bellock: "Okay. Thank you."

Hoffman: "Yeah."

Speaker Hannig: "Representative Graham."

Graham: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Graham: "Representative Hoffman, just a curiosity question in terms of this money being used towards drug courts. What a court's... is it a particular area that this money... that this money would be funding a particular court or would the money be able to be used in Cook County? Is it directed towards to a particular area?"

Hoffman: "It... it would be up to each... each individual county can impose a \$10 fee currently. It's up to the county on... on guilty pleas or supervision fees. This specifically was brought to me by the chief justice of St. Clair County who... they collect this fee and they currently would like to use it not only for mental health court but also for the drug court."

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Graham: "So, you're saying it's up to the discretion of the various counties to implement this particular fee to fund their dre... their drug courts."

Hoffman: "Yes."

Graham: "Thank you."

Speaker Hannig: "Representative Hoffman to close."

Hoffman: "I ask for a favorable Roll Call."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative McCarthy has House Bill 4652. Representative Dunkin on House Bill 4657. Out of the record. Representative Turner, House Bill 4666. Out of the record. Representative Graham on House Bill 4693. Okay. Out of the record. Representative Chapa LaVia on 4703. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4703, a Bill for an Act concerning military personnel. Third Reading of this House Bill."

Speaker Hannig: "Representative Chapa LaVia."

Chapa LaVia: "Thank you, Speaker and Members of the House. House Bill 4703 establishes civil penalties for those who willfully violate provisions set forth in the Illinois Patriot Plan. The Illinois Patriot Plan was established in Senate Bill 2060, Public Act 94-635. The Illinois Patriot Plan provides financial relief for expense or obligations

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for service members on active duty. And I would... I would open up for any questions."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Representative Durkin, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 117 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Kelly, you have 4715. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4715, a Bill for an Act concerning housing. Third Reading of this House Bill."

Speaker Hannig: "Representative Kelly."

Kelly: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4715 creates the Safe Home Act. This Bill will protect the health and safety of victims of domestic and sexual violence when they are living in or applying for rental housing. This Bill will allow victims to: 1) change the locks on an emergency basis to keep the perpetrator out of the home; 2) vacate their housing and end their lease early to protect their physical safety and emotional well-being. This Bill will also protect landlords from liability if the perpetrator is removed from the property by a court order. There are certain criteria that will have to be in place for the victim to be entitled to a lock change or early termination of lease. This criteria depends on whether the perpetrator is the leaseholder or is

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not the leaseholder. When the perpetrator is the leaseholder, the victim must present a court order and that may be a order of protection to get the locks changed or to end the lease early. This requirement is in line with current law where a victim may obtain an order of protection that gives him or her exclusive possession of the home, meaning that the perpetrator is not to live there and has no rights to live or return to the home. House Bill 4715 gives landlords clear protection from liability in those instances the perpetrator who is the leaseholder is barred from the unit and has his or her locks changed. In this scenario, a landlord has 72 hours from the time they're notified to change the locks. And the locks are changed, the landlord can charge their customary fee for this activity. When the perpetrator is not a leaseholder and has no legal court right to the unit, in addition to using the court order, the victims can use other ways to get the perpetrator out. And they're limited to a selection of third-party evidence to either have the locks changed or terminate their lease if it is necessary to protect their physical and emotional safety and well-being. They can provide police, court, or medical evidence of their status as a victim or a statement from a rape crisis or sexual or a domestic violence counseling center from where the victim has sought assistance. The landlord has 48 hours to change the locks. If the locks are changed, the landlord, again, can charge their customary fee for this activity. The victim must also provide a 30-day notice and is responsible for all rent up to the termination date of the lease. We included medical evidence because for

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some victims medical evidence may be the only form of evidence available. Also, the reports that result from a rape kit or an emergency room visit may be the only evidence a victim has if the perpetrator is part of the police force or works in the court. More ever, more victims will be hesitant to waive their anonymity they are guaranteed when they seek assistance from a rape crisis, a sexual violent, or domestic violent center. There are 17 other states that have enacted law like this law. I can answer any questions."

Speaker Hannig: "We're gonna put this on the Order of Standard Debate. And the Gentleman from Vermilion, Representative Black is recognized for 5 minutes."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "She indicates she'll yield."

Black: "Representative, I certainly appreciate the Amendment that you put on the Bill. As one who use to own a piece of rental property, I still have some concerns about the Bill. The Bill as amended, does it still allow or actually require a landlord to lock out the perpetrator of the alleged domestic violence denying access to their personal belongings or has that been changed by the Amendment?"

Kelly: "Only if they have a court order, if the perpetrator is the leaseholder."

Black: "All right. So... that... that's a significant change and I appreciate that. So, with a court order, the landlord must lock out the alleged perpetrator and also block any access to his or her personal belongings. Right?"

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Kelly: "Even if they have a court order, within the 72 hours, the..."

Black: "Okay."

Kelly: "...perpetrator, that is a leaseholder, can get..."

Black: "So... so, without a court..."

Kelly: "...his or her stuff."

Black: "...without a court order, the landlord does not have to do that and will not be held liable if he or she, if the landlord refuses to lock out an alleged perpetrator."

Kelly: "Correct."

Black: "Okay. Now, on the... on the issue of being allowed to break a lease. I was trying to look at your... the table that staff prepared as amended. The breaking of a lease is as a drastic situation. So, if I... if I terminate my lease and leave, I report this on Friday and I leave on Monday, I must have a court order, right, otherwise I can enforce the terms of the lease."

Kelly: "You're saying if the victim is the leaseholder or is not the leaseholder?"

Black: "No, if the victim is the leaseholder."

Kelly: "If the victim is a leaseholder and they can provide the certain evidence that I've quoted: the court, police or medical records, or a statement from an employee of the victim service organization to terminate the lease..."

Black: "Okay. So..."

Kelly: "...where they have received counseling from."

Black: "So, that... that would be court order as well, then, right? In order to terminate the lease, the landlord would have the right to see the court order."

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Kelly: "Yes, yes, you're right."

Black: "Okay. Thank you very much. Now, in your Amendment, you also remove the, at the request of the Chicago Housing Authority, you removed public housing. Is... is there a reason for that? Did... does Federal Law preempt State Law in the case of public housing?"

Kelly: "Yes, it does. They're under the Federal Violence Against Women Act."

Black: "Okay. And I... I must admit to you, I'm not familiar with that Act. Does the Federal Violence Against Women Act have many of the same safeguards in the Act that you are attempting to embody in the State Law here?"

Kelly: "Yes, I can just let you know, a victim who successfully brings a court action against a landlord..."

Black: "Okay."

Kelly: "...may be awarded... wait... actual damage, reasonable attorney fees, court costs, and any injunctive release have... as necessary. The feeling was the Violence Against Women Act of 2005..."

Black: "All right."

Kelly: "...which was signed into law in January, does provide the protections, funding, and programs for victims of domestic and sexual violence that the public housing has to follow."

Black: "Okay. And I appreciate that answer because the point of that question is I don't want a tenant in public housing to have less protection under law than the State Law. So, the tenant in a public housing is equally protected under a Federal Act, right?"

Kelly: "Yes, we feel like that."

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Black: "Okay. All right. And last, but certainly not least, and you always hate to talk about liability, but we tend to file a lot of lawsuits in our society today. If... if..."

Speaker Hannig: "Representative, your 5 minutes have expired. Would you bring your remarks to a close."

Black: "Yes, Mr. Speaker. What I could do is, as someone on your side of the aisle did awhile ago, I'll just speak to the Bill and take 6 minutes. But I'll wrap it up in about 30 seconds. All right."

Speaker Hannig: "Thank you, Representative Black."

Black: "All right. Thank you. Representative, just two questions. The landlord will not be held liable if... if I act on the basis of a court order, correct?"

Kelly: "Correct."

Black: "All right. Last... the last question. With... with the work you've done, as the Amendment, does the Illinois Association of Realtors still oppose the Bill?"

Kelly: "Yes, I believe they do."

Black: "That... all right. Thank you very much, Representative. You've been very helpful."

Speaker Hannig: "Representative Froehlich."

Froehlich: "Thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker Hannig: "She indicates she'll yield."

Froehlich: "Representative Kelly, denial of access to personal property, do you think that provision of your Bill might, in fact, contribute to homelessness? I... I serve on the Housing Committee with ya and homelessness is one of the issues we're concerned about and lock outs. Do you... can you

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conceive of circumstances where your Bill might... actually cause homelessness?"

Kelly: "Actually, I see victims of domestic violence being the ones that are homeless rather than the perpetrator, that's what you are trying to say."

Froehlich: "But this doesn't require any being convicted in a... in a court of law of domestic violence to be denied access to personal property. Isn't that correct?"

Kelly: "You mean before they go to court and then they're... you're saying it's just alleged, you mean?"

Froehlich: "Right."

Kelly: "Well, that's why they have to get a court order if the... if the perpetrator is the leaseholder."

Froehlich: "But if the perpetra... the... the alleged perpetrator is not a leaseholder, but has personal property in an apartment, that person can be denied access to their personal property under your Bill."

Kelly: "No. According to the Bill, they still have time to get out their possessions."

Froehlich: "I'm..."

Kelly: "Unless the court determines it's not safe for them to go back into the home."

Froehlich: "Okay. So, for a nonleaseholder you're saying they cannot be just arbitrarily labeled due to information they cannot be prohibited from reentering an apartment where they have personal property?"

Kelly: "If they're not a leaseholder, they do still have time to go back and... and get their possessions."

Froehlich: "What is the time frame?"

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Kelly: "Forty-eight hours."

Froehlich: "So, they have 48 hours to get back in. And is it the landlord's job to inform them of that, that they've got two days to remove any property before they get locked out, in a sense?"

Kelly: "No, I don't think it's the landlord's job."

Froehlich: "Well, how would they know they've got 48 hours? Who would..."

Kelly: "Through the court order they would know or the police."

Froehlich: "But I thought a court order wasn't required for a nonleaseholder?"

Kelly: "It's the court order or the police or medical records."

Froehlich: "Okay. So, a person might not know he or she only has 48 hours to remove their personal property?"

Kelly: "Well, that... it's a possibility they may not know."

Froehlich: "Okay. See, I have... I... I have no doubt about the good intention behind this Bill and the desire to protect innocent people. I'm just concerned that there might be, at least in some occasions, some other innocent people whose rights might be deprived and might be forced into homelessness themselves. Thank you."

Speaker Hannig: "Representative Rose."

Rose: "Thank you. Will the Lady yield for a question?"

Speaker Hannig: "She indicates she'll yield."

Rose: "Representative, our analysis says something that I'm... I'm somewhat confused by... by what it says. It says, it provides a definitional distinction between a tenant in public housing... in a public housing market versus a tenant in a private housing market. The effect of the change would be

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that one must be an authorized occupant in order to receive relief under this Act. Can you explain what that means to me? I... I... or explain what that means?"

Kelly: "Public housing is exempt from this, so..."

Rose: "So, if... if you're a victim of domestic violence and you live in a public housing home or apartment building, you don't have any rights under this Act?"

Kelly: "No. You're under... there's Federal Law that you're under not this Act."

Rose: "And..."

Kelly: "There's Federal Law that already covers this."

Rose: "So, there's a Federal Law that already covers it."

Kelly: "For public housing."

Rose: "That would cover the public housing individuals. Now, is your Act more or less stringent or the same as the Federal Law?"

Kelly: "I think it's relatively equal. I'm not sayin' word for word, but it's on par."

Rose: "Well, I guess, are there any new rights that are conferred upon private tenants that aren't conferred on public tenants under the Federal Law? That would be the question."

Kelly: "Can you repeat that?"

Rose: "Are there any... any other rights that would be conferred under public tenants in your Act that aren't conferred upon public housing tenants?"

Kelly: "I'm not sure, Representative."

Rose: "If I... and I guess... I guess that's a little bit of concern to me because, ya know, if we're gonna do something that's

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gonna provide protection for private tenants and there's already protection for public tenants, I would wanna make sure that we're... making sure that we're not doing anything... offering less protection to someone in a private situation than a public situation."

Kelly: "I don't think... we have worked very hard on this Bill and it's fair housing people and domestic violence advocates and rape crisis advocates that have worked on this Bill, and we have tried to make everything as equal as possible and definitely not trying to deny private tenants."

Rose: "I... I understand that, but at the same time, we're not sure."

Kelly: "I'm not sure word for word."

Rose: "Okay."

Kelly: "They are protected."

Rose: "All right. Thank you, Representative."

Speaker Hannig: "Okay. So, we've had three speak in response. The rules would provide that two additional could speak in support. Representative Jakobsson, do you wish to speak in support?"

Jakobsson: "Yes. Thank you, Mr. Speaker."

Speaker Hannig: "Okay. Proceed."

Jakobsson: "Thank you, Mr. Speaker. To the Bill. I'm happy to see this Bill come to us today because, ya know, I've been in... I was a director of a shelter for victims of domestic violence and I know the kinds of situations that they face on a daily basis. And anything that we can do to protect these victims, whether they're victims of sexual violence or

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domestic violence, I think that it's important for us, here in this Body, to take that important step. Thank you."

Speaker Hannig: "Representative Kelly to close."

Kelly: "I feel this Bill is very necessary. Women living in rental housing who experience domestic or sexual violence face a greater danger, the inability to secure safe housing or leave dangerous housing. As recognized by the U.S. Department of Justice, women living in rental housing experience intimate partner violence at three times the ratio of women living in their own homes. I ask for an 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 63 voting 'yes' and 47 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative... Representative Jones, you have House Bill 4726. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4726, a Bill for an Act concerning regulation. Third Reading of this House Bill."

Speaker Hannig: "The Lady from Cook, Representative Jones."

Jones, L.: "Thank you, Mr. Speaker, Members of the House. House Bill 4726 requires that all licensed CPA firms and individual practitioners would provide license service and undergo a peer review once every 3 years to determine if they are in compliance with professional standards and practices. There was an Amendment... Amendment #1 of the Bill

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removes the provision in the original Bill, which provides for confidentiality of peer review records because duplicates... because it duplicates a previous already in the Act. Also, House Bill 4726 also includes some cleanup language. The cleanup of the Americans and Disabilities Act provision regarding the CPA examinations to clarify that the board's authority to waive certain requirements only apply to ADA situations. And I ask for a favorable vote."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Wait, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Let's return to House Bill 4532. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4532, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Hannig: "Representative Phelps."

Phelps: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 4532 is the... the Bill that you all know about, the Let Them Rest in Peace Act. Lieutenant Governor Pat Quinn has been to a lot of these funerals and has witnessed... eye witnessed these hate group from Kansas. When we have our sons and daughters come back from... that have paid the ultimate sacrifice from Iraq and they're coming home to this hate group from Kansas that's protesting their funeral. They literally have signs that say, 'Thank God for

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dead soldiers' and I just think this is despicable. I think it's wrong. This is long overdue. I appreciate the leadership of Lieutenant Governor Pat Quinn to bring this. I witnessed this in my district in Anna, Illinois, with the fallen soldier Brian Romines' funeral. It was unbelievable. This is the last thing a family needs to worry about when their sons and daughters pay the ultimate sacrifice is to worry about a hate group protesting their loved one's funeral. Not only did this happen in... with fallen soldiers, but this happened at the miners in West Virginia that died and also they... this hate group protested Coretta Scott King's funeral just not too long ago. Be happy to answer any questions that you have."

Speaker Hannig: "On this question, the Lady from Kane, Representative Lindner."

Lindner: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Lindner: "Representative, in committee we had a lot of discussion on the constitutionality and the questions of freedom of religion, speech, and assembly. How does your Bill address those issues?"

Phelps: "We feel that this Bill is constitutional because the Supreme Court has granted states time, place, and manner if it's good for everybody. And this is not only for veterans' funerals, this is for civilian funerals as well. So, we feel this is very constitutional. We've had some experts throughout the state and the country that has said that this is constitutional as is."

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Lindner: "Now, also, was there an Amendment filed to allow labor disputes, too."

Phelps: "We... Representative Lindner, we tried and there's no one more union than me in this House, I believe, and we tried to come up to an agreement, but it just was not there. And if we would have put their Amendment on it, Representative Lindner, we put a thought this would be unconstitutional. So, that's why we did not go with that."

Lindner: "You thought it would be unconstitutional if you made an exception for labor disputes?"

Phelps: "Because it has to be... the Supreme Court says it has to be good for everybody and if you exempt one group... group out, that would be... stand for unconstitutionality of it."

Lindner: "Okay. If there is a labor dispute then, what... where are these people? Is... is there a boundary where these people can demonstrate or just not..."

Phelps: "There's a..."

Lindner: "...during a funeral?"

Phelps: "...there's a... and they could still probably do somethin'. The only... they cannot come in within 200 foot... feet of the perimeter and they cannot do anything 30 minutes before the funeral, during the funeral, and 30 minutes after the funeral."

Lindner: "Okay. And that was not agreed to?"

Phelps: "Well, everybody else agreed. We had a lot of unions that agreed and there was just a couple unions that decided they... it wasn't good enough."

Lindner: "All right. Thank you."

Phelps: "Thank you."

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Speaker Hannig: "Representative Fritchey."

Fritchey: "Thank you, Speaker. To the Bill. Ladies and Gentlemen, we need to tread very, very carefully when we start to interfere with the rights of free speech, but there are times where restrictions on that right have been upheld and have been warranted. We have seen too many Death Resolutions come before this Body, too many young men and women that have died in this state or around this country. And to watch the types of protests that have gone on to viciously attack a family during a time of mourning, as they are putting their loved ones to rest, if that's not a place where we can draw the line then there is no place. The previous speaker had asked about putting out a labor exemption. I will tell you that the Sponsor worked tirelessly, the Lieutenant Governor worked tirelessly to try to work with the unions to try to address their concerns and I understand their concerns. I'm sympathetic to their concerns. The United States Supreme Court in the Police Department of Chicago v. Mosley in 1972 said very specifically whether or not you can have a selective exclusion from a public place for labor picketing was not going to be permissible. Ladies and Gentlemen, are we restricting free speech here? Yes, we are. Is it a perfect Bill? No, it's not. Is it constitutional? Yes, it is. If you wanna do something that is not just politically the right thing to do but emotionally and morally the right thing to do, please vote 'aye'. Thank you."

Speaker Hannig: "Representative Stephens."

Stephens: "Sponsor yield?"

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Speaker Hannig: "Indicates he'll... yield."

Stephens: "Representative, to your knowledge, who's opposed to this Bill?"

Phelps: "Representative Stephens, as of right now there may be two... one or two unions, that I know of, that wanted to put an Amendment on there to be able to picket funerals. And ACLU is probably against this as well."

Stephens: "Civil liberties that's a... that's an interesting concept that they would be... that they would be opposed to this. It seems like, ya know, too often today a lot of the families that we represent come to us and they say, ya know what, isn't anything sacred anymore?"

Phelps: "Right."

Stephens: "We just... we keep just kind of nipping away at family values and ya know what, if you can't take someone who has died in defense of their country, whether you agree with the conflict that we're involved in or not, and just take them to their final resting place, if we can't protect that, then shame on all of us. We can't protect anything. With all due respect to the ACLU and I... I think that they stand up many times for all the right reasons because we do need to protect an individual's rights. But those rights, on certain occasions, it's up to us as leaders setting public policy to say, ya know what, you can't shout 'fire' in a crowded theater..."

Phelps: "Right."

Stephens: "...when there's no danger of... involved."

Phelps: "Right."

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Stephens: "Our courts have followed up on that. This is one of those occasions when we should stand up and say, enough is enough. This is sacred. We're going to protect it. I salute you, Representative."

Phelps: "Thank you."

Stephens: "I also salute Lieutenant Governor Pat Quinn who has done everything in his power to attend as many funerals of service personnel as he can. I don't agree with Mr. Quinn on a lot of issues, but I stand in proud recognition of his taking the time representing our state at all of those funerals. He is a... he's a good man for doing that."

Phelps: "Thank you, Representative."

Stephens: "Thank you, Representative."

Phelps: "Thank you, Representative."

Speaker Hannig: "So, we've now had Representative Phelps, Fritchey, and Stephens speak in favor of the Bill. Does anyone wish to speak in response? Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "Indicates he'll yield."

Black: "Representative, the question I have is perhaps you can illuminate the opposition of... of labor unions to the Bill. As I read your Bill, if... if they were on strike, they could still picket at the entrance and exit to the cemetery. It would not destroy their right to be picketing and let those attending a funeral know that they had a... a labor grievance with the cemetery. Correct?"

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Phelps: "They... and Representative Black, and they'd also have to be 200 feet away from it. But yes, they could do that, yes."

Black: "Okay. And I... I don't think that any labor union that I've ever known or worked with would feel compelled to have their picketers within that boundary."

Phelps: "Right."

Black: "I mean, they can get their point across very effectively. I don't think... many of us try to work with labor as best we can and I... I just don't think this infringes upon their right to let the public know they have a labor grievance with... with the cemetery. So, I... I'm not sure I understand the full depth of their opposition."

Phelps: "Representative Black, the way I understand it, this is one local from one union that represents cemetery workers, and they just wanted that ability to be able to, in a labor dispute, picket a funeral home or a funeral, if you will, I don't know if they ever have before but that's just what they wanted. They wanted that option open."

Black: "All right. Well, Representative, with the answer to that question that clears up some concerns I had. I thank you for your indulgence. Mr. Speaker, to the Bill. I think Representative John Fritchey said it all and I'm not going to repeat that. There will be editorials and perhaps rightfully so, in many newspapers that we are, in fact, infringing upon a person's right of free speech. I had an interesting conversation with a World War II veteran about this Bill and he... he took a tact that I didn't think I would hear a veteran take. And he said, 'You have to remember,

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this is one of the things I fought for from 1942 to 1945.' And that was the right to speak your mind, the right to petition and grieve your government. And he had a very accepting attitude toward the ability or the right to picket and let your views be known at this funeral. But having said that, he also thought that the Lieutenant Governor's suggestion that you have a reasonable buffer zone was just that, reasonable. But I think Representative Fritchey said it very eloquently, we are bumping definitely and perhaps bruising that very sacred line of the right of free speech, but on the other hand, my friend and colleague Ron Stephens said, why would anybody feel compelled to attend any funeral and mix and mingle with the mourners regardless of the case, regardless of the issues at hand. I think a family deserves some measure of protection so that they can grieve as we all have experienced at some point in our life. My thanks to the Sponsor for trying to work this out. A special thanks to Representative Fritchey because I think he framed the argument most eloquently. And as Representative Stephens said, a thanks to Lieutenant Governor Pat Quinn for pushing this issue. And I think we've done the very best, the Sponsor and others have done the very best we can do with a... with an issue that is sensitive. And I think we know it's sensitive, but I think most of us are inclined to vote 'yes'."

Speaker Hannig: "So, the rules would provide for one additional Sponsor... or speaker in response. Do you wish to speak in response, Representative Durkin?"

Durkin: "Yes, Mr. Speaker."

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Speaker Hannig: "Okay."

Durkin: "Will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Durkin: "Brandon, I think you've done a great job with this Bill... I'm gonna support your Bill. It's gonna... I think it'll get a hundred and eighteen votes today. There's a couple issues which we didn't really get into in the Judiciary Committee and I just wanna make sure that we have this clear for the intent, but it was raised the issue about the federal right to peacefully picket under the Labor Relations Act. Now, if this is in conflict with the state statute, who wins?"

Phelps: "I don't see this and the intent is definitely not there to supersede workers' rights at all. I think you'll still under the National Labor Relations Act, they're gonna still be able to have a reasonable way to picket, but they're just not gonna be able to do in the parameters of this Bill, 200 feet away, but they still could do it."

Durkin: "Okay. All right. I just wanna make it perfectly clear that it's not your intent at all to circumvent nor to supersede the Labor Relations Act. Is that correct?"

Phelps: "And... and Representative Durkin, also, too, I guess it'd be, ya know, and what judge, ya know, went before what he or she would rule, too, I would imagine."

Durkin: "Well, thank you very much. I just wanted to make sure we had some intent on the floor, what exactly..."

Phelps: "Thank you, Representative."

Durkin: "...ya know, the federal issues, ya know, that which relate and also what this statute means. So, again, I

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commend you. You did a very good job and so did the Lieutenant Governor and you have my support."

Phelps: "Thank you, Representative Durkin."

Speaker Hannig: "Representative Phelps to close."

Phelps: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. There is a... we did negotiate this Bill a great deal. I... I'll tell ya what, it's long overdue. A lot of people couldn't believe that this was going on. Since then there's been a lot of states put this in motion and we're gonna be one of the first ones. I just think it's absolutely wrong. It's wrong to the families. The last thing they should have to worry about is someone protesting their loved one's funeral that they need to bury in dignity and respect. Ladies and Gentlemen, please join me today and send a message to that group that Illinois's not gonna stand for this. And I appreciate an 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'yes' and 2 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 12 of the Calendar is House Bill 4727, Representative Golar. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4727, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Hannig: "Representative Golar."

Golar: "Thank you, Mr. Speaker and Members of the House. House Bill 4727 expands the powers of the ICC over relocators and

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dispatchers. Currently, the ICC can only suspend, revoke permits if offenses one to three, enumerated and defined in the present statute, are shown. House Bill 4727 extends the ICC's authority to suspend, revoke permits by adding a fourth set of offenses, which is violations during the previous 5 years this Chapter, ICC regulators or orders or any other law affecting public safety. The effect of House Bill 4727 will not be felt statewide and would only impact the counties of Cook, Winnebago, Kane, DuPage, and Will as the ICC only regulates towing companies within these counties. There are 659 tow truck companies within these five counties. Additionally, this Bill only applies to operators and dispatchers of towing companies and not the towing companies themselves, nor does it apply to repossession companies. No additional penalties apply to the violators of this Bill. If there are any questions, I will take them at this time."

Speaker Hannig: "And on this question, the Gentleman from Vermilion, Representative Black. Representative Black."

Black: "Yeah, thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "She indicates she'll yield."

Black: "Representative, how many times have you presented this Bill? Is this on Postponed Consideration?"

Golar: "No. There was some language, Representative Black, in the last Bill that had to do with a felony and I talked with my colleagues and I had it amended and had that felony portion of it taken out."

Black: "All right."

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Golar: "If you will look at the Amendment at the top where it says, HA #... you will read..."

Black: "Okay."

Golar: "...what it was before."

Black: "All right. So, you... you have removed the suspension... the ICC could no longer suspend the permit if during the preceding 5 years the towing or the recovery operator or driver had been convicted of any felony, correct?"

Golar: "This is correct."

Black: "Okay."

Golar: "That's correct."

Black: "And in your comments, you said it only applied to five counties."

Golar: "That's correct."

Black: "I don't see that in the Bill. I mean, is that just an understanding or..."

Golar: "No, it is... if you look down to a portion of the Bill. It is an understanding."

Black: "Excuse me. Mr... Mr..."

Golar: "But ICC regulates those five counties."

Black: "All right. Mr. Speaker, will you bear with us for just a few seconds. We'll see if we can find that. Representative, staff can't find any such reference. Is it in the underlying statute?"

Golar: "It's an... it's an understanding, Representative Black. What happened in regards to these five counties is that when all of the media came forth in May and December with the towing hustle, through Pam Zekman's investigation, the response and the tows were done through these counties,

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which was the total of 659. So, this Bill would apply to only those counties."

Black: "The only thing that concerns me, Representative, is we cannot find where it only applies to five counties. And the reason I... and I think I brought this up in committee... the ICC attempted to fine a recovery operator in my district because they didn't like... they didn't think the broom, the sweep broom, that the recovery operator had on the back of his truck was adequate. I'm not sure what an adequate broom is, but I know we had to have a few discussions with the ICC about that action and that's in a downstate county. And we're just havin' a heck of a time finding where this, in fact, only would be applicable in... in five counties."

Golar: "Representative Black, in these counties this... these are the counties that the ICC only have tow relocators in those particular counties."

Black: "Well... well, who then... who then would regulate towing and/or recovery vehicles in, say, in my county?"

Golar: "It's not the ICC. We don't know who actually rules in those... those other counties."

Black: "All right. Representative, I... I thank you for your answer. Staff is going to attempt to get a hold of the Illinois Commerce Commission. We may be wrong, but we thought that they, in fact, regulate towing and recovery operators statewide. Perhaps we've missed something, but again, thank... thank you very much for your answers. I appreciate it."

Speaker Hannig: "The Gentleman from Cook, Representative Lang."

Lang: "Thank you. Will the Sponsor yield?"

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Speaker Hannig: "She indicates she'll yield."

Lang: "Representative..."

Golar: "Yes."

Lang: "Hello. Behind you, hello. Is this your first Bill, Representative?"

Golar: "No, it's my second."

Lang: "This is not... wasn't this the same first Bill from last week?"

Golar: "Yeah. This is the one that you, actually, kind of, pulled a little rail."

Lang: "So, thi... so, this is a different Bill than the one from last week?"

Golar: "Same Bill."

Lang: "Same Bill. So, it's your first Bill?"

Golar: "Absolutely."

Lang: "So, you come to the floor of the House and you... are you finished directing her, Representative? You come to the floor of the House and you tell us it's your first Bill, then it's not your first Bill, then it is your first Bill. Is it your first Bill?"

Golar: "Are you the judge or the jury? That's okay. That's okay."

Lang: "I don't know what to say. Mr. Speaker... Thank you, Representative. Would you be the person with the license plate 118X? So, what changes did you make in this Bill from last week, Representative?"

Golar: "Well, actually, my colleagues had some concerns with some language in regards to the felony and I did work with

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my staffer and also with the ICC, that initiated this Bill, and we took that language out."

Lang: "Now, do you recall that we started to discuss the definitions in the Bill and you told me a relocater operator was the same as a tow truck driver. Do you recall that?"

Golar: "Did I say that? I don't remember that, but I know that..."

Lang: "Well, then let's go through this again."

Golar: "I... let... let me say this to you... what's your name, again? Just let me... let me say..."

Lang: "I think, Representative, you've been prepped very well for your first Bill, I really do. So, what is the definition of a 'relocater operator' in your Bill?"

Golar: "A relocater is a person that actually tows the cars. The dispatcher is a person that takes the calls and dispatches those calls out to the relocater."

Lang: "And so, what is a tow truck driver?"

Golar: "It would be much of the same in terms of a relocater, relocater tow truck driver."

Lang: "And so, that's a re... re... relocater..."

Golar: "Well, it's Lang..."

Lang: "...relocater is to say is a fancy word for a tow truck driver."

Golar: "You know what, Mr. Lang..."

Lang: "Is that right?"

Golar: "...let's get on so we can vote on this and let's not kid around."

Lang: "Representative, I'm asking the questions here."

Golar: "Oh, are you?"

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Lang: "I asked you if you would yield. You said you would yield."

Golar: "I'm not yielding."

Lang: "It's too late. Wait a minute. Maybe Representative Black has an opinion as to whether you can stop yielding once you've yielded. Can I yield my time to Representative Black, Mr. Speaker?"

Speaker Hannig: "Absolutely. Representative Black."

Black: "Thank you very much, Mr. Speaker. And it's about time that Representative Lang has learned to yield to me. A wise politician once said, cream always rises to the top. Representative, we're still trying to figure out this Bill. I know what a tow truck driver is and I know what a relocater is and I know you've worked very hard on the Bill."

Golar: "Yes, Sir."

Black: "I know you presented it three times, taken it out of the record twice and been thoroughly harassed by a Member of your side of the aisle without any reasonable justification whatsoever. I find his conduct reprehensible. Had you been here a few years ago, you would know why we posted signs all over this Body that said, and the sentiment was from the heart, 'dump Lou'. But he didn't take the hint, he came back. But what we're having difficulty finding out and we're trying to get a hold of the Commerce Commission, which I... I just might say in... in one... one brief political comment, getting a hold of anybody in this administration is rather difficult to do. We have a bet over here. One of our staffers is trying to reach the Pope, the other is trying to

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reach a unit of... somebody, a human, to talk to in this government. My bet is that we'll get the Pope first. The voice mail said all calls have been transferred to Chicago and that Chicagoans don't work on Thursday afternoon. So, I think we could be in trouble. Now, Representative, your Bill allows the Illinois Commerce Commission to revoke the permit or the license of any tow truck operator or relocater if they are unfit..."

Golar: "No. The word is... we..."

Black: "No, that was changed in the Amendment?"

Golar: "We amended that for you, Representative Black."

Black: "Okay. What... what happened to the word 'unfit'?"

Golar: "Well, actually, unfit is in the present statute and if you would... actually, we took it out completely."

Black: "Ahhh. Okay."

Golar: "Look at the analysis on the... on the front, down in rule..."

Black: "I've... I've been looking at it for 10 minutes. All right. So, you did remove the word 'unfit'?"

Golar: "Yes."

Black: "All right. And you're... you're confident that this is only involves five counties?"

Golar: "I'm confident."

Black: "Does it involve the county in which Representative Lang happens to live?"

Golar: "Not that I know of."

Black: "Oh, I'll bet it does. Is it... is it Cook and some of the surrounding counties?"

Golar: "Absolutely."

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Black: "Representative, would you do me a favor? Call the Commerce Commission, get Representative Lang's license plate, and have his car relocated at the earliest opportunity. And I would prefer that they relocate it to California. All right. You can't miss it. It's the only... it's the only Bentley parked out there in the lot. Most of us drive secondhand cars. I think it's Representative Lang's car that is a... a Bentley. Wait a minute, staff just said 'no' it's in a wreck and it's... it's bent, not a Bentley. I apologize. Representative, the only thing that I... I can say to you on this Bill and you had a great deal of trouble with the Bill. I join with my good friend, Lou Lang, in saying that a first Bill is a very difficult Bill to pass, but I also would join with colleagues on my side of the aisle and say that Representative Lang has been known to hold a grudge. And when his permit to operate a recovery truck was revoked some time ago, he has never, to this day, forgiven the Illinois Commerce Commission for revoking his permit to operate a tow truck. And I ask you, look at that face. If you're stranded on the Dan Ryan at 3:30 in the morning, Lou Lang gets out of that tow truck, could you not trust that man with that face? The question is, Lou Lang was unfit then, he's unfit now to be a tow truck operator and he's... he's not taking this out on you, Representative, this isn't personal. This is something that happened to him years ago. We have asked him to grow and mature as all of us do here, although it takes longer for some than others, to get over it. I think all we can do in your case, Representative, since we are thoroughly confused about this

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Bill, I don't know what counties it operates in. I'm still trying to figure out the difference between a relocater and a tow truck driver. In my district, a relocater is somebody who steals your car and takes it to a chop shop. I don't know what a relocater is in your... in your district. I would think that the best thing that we can do at this point, with the advice and consent of the Speaker, is to defeat this Bill, have you bring it up in the Veto Session and by that time perhaps Lou Lang will have been relicensed and will not take this personally and will help you pass your first Bill. I would ask Members on my side of the aisle... we've enjoyed a wonderful relationship with Representative Lang, particularly the 2 years that we were in the Majority. When I recall, we put the timer on and Lou Lang threw the Rule Book and said that the timer did not apply to Representative Lang and he would ask questions for hours at a time. No one could figure out the question. We would ask Lou to interpret the question. He would then say that he had forgotten what the question was. So, I guess the only thing that we can do now is to join with the Democrats who have taken it upon themselves to give this outstanding Legislator a very difficult time, brought her to the verge of tears, and let's just be done with it. Let's just defeat the Bill, come back a little later on where we can determine just what this Bill does, where the Bill does it, and who, in fact, regulates those who do it. So, I think we need to vote 'no'."

Speaker Hannig: "Representative Miller."

Miller: "Thank you, Mr. Speaker. Will the Sponsor yield?"

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Speaker Hannig: "She indicates she'll yield."

Miller: "Representative, what does this... what does this Bill do?"

Golar: "So, you're another one... don't understand the Bill? If you look on the analysis, Representative Miller, at number four. It just adds... it says, a relocater or operator is currently defined and then it goes on and it says, 'this Bill provides that an operator dispatcher will be required to make such a compelling showing when it is found that they have made a false statement on their application for a permit, had their driver's license suspended by the Secretary of State, been convicted during the previous 5 years of a criminal offense, bodily injury or attempt to injure, theft, attempted theft of property, sexual assault or attempted sexual assault.' Now, this is under the present statute. What they added was 'violated during the previous 5 years, this Chapter, the ICC regulations or orders or any..."

Miller: "Representative, I just... Can I just cut you off?"

Golar: "Yes."

Miller: "You talked about pulling and pushing. How does the Illinois State Dental Society feel about this when we're talking about pulling?"

Golar: "How does what?"

Miller: "The Illinois State Dental Society, when we're talking about pulling things and extractions..."

Golar: "I wouldn't know about that, Representative Miller."

Miller: "...I just wanna know how they feel."

Golar: "You would know more about that."

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Miller: "Oh, okay. Let me ask you another question. I've been doing some research on this Bill. Do you believe that children are our future?"

Golar: "Absolutely."

Miller: "Do you wanna teach them well and let them lead the way, Representative?"

Golar: "I do that all the time."

Miller: "Would you like to show them all the beauty they possess inside?"

Golar: "I do that also."

Miller: "And then give them a sense of pride and make it easier?"

Golar: "I do that."

Miller: "Would you like to let the children remain... the children's laughter remain... remind us how we used to be?"

Golar: "Representative Miller, just say what you're gonna say and be done with it."

Miller: "To the... to the Bill, Mr. Speaker."

Speaker Hannig: "To the Bill."

Miller: "You know, I decided long ago not to walk in anyone's shadow. If I fail... if I succeed, at least I live as I believe. And I believe in this Bill, whatever it is. That's it."

Speaker Hannig: "Representative Golar to close."

Golar: "Thank you, Mr. Speaker. After I've been harassed by my colleagues, harassed, however, I think this is a good Bill. The ICC, if anyone had did any of the... followed any of the media for Pam Zekman, back in May they did a great write-up in regards to what tow drivers are doing in terms of... and I

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just wanna talk a little bit about it. In May 2005, CBS investigators found that a growing number of cars were being towed illegally, collecting tow fees of a hundred twenty-five to fifty... a hundred and fifty dollars. Refunds were negotiated for many of those owners because they found out that they were illegally towed. Later, CBS investigators found that an owner of a towing business was using it as a front to sell drugs and guns. ICC, which regulates towing, said unless convicted the agency could not take any action against his license. So, I think this Bill, 4727, would address many of those complaints. And I ask for a 'yes' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Black, for what reason do you rise?"

Black: "Mr. Speaker, having voted on the prevailing side, I will be filing a Motion to reconsider here in the next 30 seconds. Thank you."

Speaker Hannig: "On the top of page 13, under House Bills-Third Reading, is House Bill 4735. Mr. Tryon asked that we read the Bill, Mr. Clerk."

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Clerk Mahoney: "House Bill 4735, a Bill for an Act concerning revenue. Third Reading of this House Bill."

Speaker Hannig: "Representative Tryon."

Tryon: "Thank you, Mr. Speaker. House Bill 4735 makes a statutory change that will define how clerks will make a correction in an overextension that exists for a taxing district that lies in two counties. It's only affect counties that or taxing districts that are in a tax capped county or a PTEL county and it will require them in the subsequent year after the error is found to correct the aggregate extension base so that would ISBE calculates the school aid formula the following year, they will actually get the actual extended amount and not the amount that was in error. And this is a proactive Bill, so this will never happen again in the future in a tax-capped county and it won't... it will not affect any... any districts where this is already happened in the past. I would entertain any questions any Member might have."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Fritchey, do you wish to be recorded? Have all voted who wish? Okay. Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Okay. On page 12 of the Calendar is House Bill 4657. Mr. Clerk, read the Bill."

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Clerk Mahoney: "House Bill 4657, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Cook, Representative Dunkin."

Dunkin: "Mr. Speaker, Members of the House, House Bill 4657 simply allows the Secretary of State to work... excuse me, it authorizes the Secretary of State to work with the..."

Speaker Hannig: "Do you wanna take it out of the record for a while, Representative?"

Dunkin: "Okay. House Bill 4657 simply allows the Illinois Vehicle Code... it amends the Illinois Vehicle Code and provides that the Secretary of State may revoke or suspend the registration of a vehicle if the Secretary determines that the owner of the vehicle is in violation of a federal motor carrier safety regulation. It's effective immediately. And I'd ask for an 'aye' vote."

Speaker Hannig: "The Gentleman has moved for the passage of House Bill 4657. And on that question, the Gentleman from Cook, Representative Parke."

Parke: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "Indicates he'll yield."

Parke: "Representative, last time we chatted on this Bill we had the Mid-West Truckers was opposed to this. Are they... have they removed their opposition to this Bill?"

Dunkin: "They're not in opposition."

Parke: "So, they've removed their opposition?"

Dunkin: "They worked it out, yes."

Parke: "All right. Good. Thank you."

Dunkin: "Yep."

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Speaker Hannig: "Is there any further discussion? Then Representative Dunkin to close."

Dunkin: "I would urge and ask for an 'aye' vote. Thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Giles and Schock, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Mendoza, for what reason do you rise? Your light was on. On page 20... excuse me, on page 4 of the Calendar, under the Order of House Bills-Second Reading, is House Bill 2316. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 2316 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Hoffman, has been approved for consideration."

Speaker Hannig: "Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill... Floor Amendment #1 to House Bill 2316 becomes the Bill and would designate the transfer of up to \$250 million in cash in the General Revenue Fund into specific Medicaid funds to help pay bills to pharmacists, nursing homes and hospitals. These payments would generate up to another 250 million in Medicaid reimbursements which will total about 500 million in provider payments and will reduce the state's payment cycle by 23 days. An additional

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200 million is budgeted to be transferred in the remainder of the year, which could even provide more relief. I ask that the Amendment be adopted."

Speaker Hannig: "The Gentleman has moved for the adoption of Floor Amendment #1. And on that question, the Gentleman from Champaign, Representative Rose."

Rose: "Mr. Speaker, this is a point of personal privilege."

Speaker Hannig: "Okay. State your point. State your point."

Rose: "Ladies and Gentlemen of the House, next week a number of individuals are gonna be asked, summoned really, to go to Chicago to testify on their budgets. Many of you have probably seen the Visa card commercial. Well, I've got the State of Illinois credit card here. We did some checking. Two hundred ninety-nine dollars a night: Drake Hotel. Dinner and drinks at Maggiano's: 50 bucks. Popcorn and soda from Garrett's Michigan Avenue: 10 bucks. Parking, cab fares: \$30. Getting the state budget out of the hands of the Statehouse Press Corps: priceless. Ladies and Gentlemen, what's gonna happen next week is gonna be amazing. Eastern Illinois University, my home district, is gonna drive to Chicago, be summoned to Chicago, how much do they have to spend on hotel rooms and cab fares and fees. Our nursing home providers in downstate Illinois are gonna have to go to Chicago. How much does that cost? Oh and by the way, unless you haven't noticed the James R. Thompson Center isn't exactly the most accessible building from a handicap perspective. Yet, all the hearings on the state budget regarding accessibility, Medicaid, health and human services needs will be up there, will be in Chicago. Our

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providers, our nursing homes will be going to Chicago. We know the Governor doesn't live in Chicago. The last time I checked Springfield's still the state capital, not Chicago."

Speaker Hannig: "So, on the Gentleman's Amendment, is there any discussion? Do you wish to speak on the Amendment? Well, I will recognize you on a point of personal privilege afterwards, Representative, if that's what you wish. Okay. Do you wanna speak on the Amendment, that is allowed under the rules as well. Representative Stephens."

Stephens: "Well, I... I wonder how much you're gonna guard the debate here because when I talk about the Amendment I wanna talk about the budget process."

Speaker Hannig: "That's fine, Representative, but to speak..."

Stephens: "Is that within our rules?"

Speaker Hannig: "Yes."

Stephens: "All right. Well, this is... this is an Amendment that does away with a lot of funds that the Governor's been raiding and then we're told another one-time purchase. A way to... a one-time way to balance the budget. And with... with that in mind, it reminds me of a couple of years ago. I have a few articles here that... that I'd like to draw the chamber's attention to. This one is dated June the 14th, 2004, almost... about 2 years ago, The Springfield State-Journal Register. It has a very complimentary picture of the Speaker and it's titled, The Day of Budget Reckoning is Here and that's what this Amend... Amendment is about. We're talking about the Speaker's position on his... on the... on the budget 2 years ago. It's a column that was written by the Speaker. There's another article that I have that appeared

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the same day in the Chicago Sun-Times also quoting the Speaker and it says that the budget must restrain spending and borrowing. So, apparently 2 years ago, the Speaker was very concerned about the Governor borrowing and spending his addiction to tho... to both of those. He wrote these columns, the Speaker did, implying that it's absolutely wrong for our state to head in this direction. What's happened over the last 2 years? Speaker Madigan called the state's unacceptable level of debt a pretty serious situation. Two years later the level of the debt has... continues to skyrocket. Speaker Madigan decried the Governor's and here I'm quoting, 'patchwork combination of business tax increases, dubious one-time measures', like this one, 'including selling state properties, the auction of the tenth casino license, the borrowing from special funds that hold the... that hold fees collected for everything from protecting the environment to providing health care for public employees.' Does any of this sound familiar? This is exacting what we're dealing with today. What has changed in Illinois? I'll tell ya what I think has changed, this happens to be an election year where you cannot escape, on your side of the aisle, you cannot escape the fact that you are running as Democrats. Your Governor is a Democrat, you are spend and borrow Democrats. You are doing it today. This Amendment is about spending money, borrowing from the future, an unbalanced budget at very best. What happened to the Speaker's position, which was so legitimate 2 years ago, and now, what?"

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Speaker Hannig: "So, the rules provide that... under the rules of debate for Amendments, two can speak on each side. So, one additional speaker on each side will be recognized. So, Representative... Representative Stephens. You just spoke in debate, what did you..."

Stephens: "According... I'd like to address our rules. According to our rules, a Member may be recognized for a point of personal privilege. You can't just take that rule away."

Speaker Hannig: "That's correct, Representative."

Stephens: "Well, we have Members on our side of the aisle that I insist be recognized for a point of personal privilege."

Speaker Hannig: "And after we adopt the Amendment we will recognize them, Representative, but now we're debating the Amendment."

Speaker Hannig: "Representative Bost."

Bost: "Mr. Speaker, I just need to know, am I now speaking on the Amendment or can I have my point of personal privilege?"

Speaker Hannig: "You're speaking on the Amendment."

Bost: "Well, Mr. Speaker, I think it kind of all ties together here, but I... I guess if I'm speaking on the Amendment and we'll figure out how we're gonna handle this here in a few minutes. But ya know, I know this is gonna shock you, I actually have in my possession an article similar to what Representative Ron Stephens has, but it's from June 28 of 2004 where our Speaker, Mike Madigan, was interviewed by the Daily Herald and it contained some very interesting comments. In the interview and I quote, it says, 'My points are different with... with Blagojevich, relating to public policy, the main point being he wants to borrow and spend

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money the state doesn't have.' Then he goes on to say and... and I'll continue to quote, 'He wants it both ways and he wants to get it both ways by borrowing without identifying a revenue stream and then to pay off by borrowing again.' There's more quotes here, hold on. Claim the deficit... he claims, the deficit was 3 billion to 5 billion. With that in mind, he still proposes a budget that's spends an additional \$1 billion. Now, this sounds like a very good quote, all of these quotes are very concer... in that way, they're a very concerned person. And I believe the Speaker was at this point. And I believe that... I hope he is, today. But yet we're 2 years later and now all of a sudden we're gonna start, in these last few days, shoving this forward and guess what, we're gonna borrow and we're gonna spend, we're gonna borrow and we're gonna spend and we're gonna continue to spin it out of control. Folks, listen to what we're doing. We have got to become more responsible. You're being led off a cliff. Wake up. Let's come together. Let's come up with some sensible ideas. The Speaker and the Democrat Party know the path that we were doing 2 years ago, it's the same today. Join with us. Let's get the problem straightened out."

Speaker Hannig: "All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. However notes have been requested and not yet filed."

Speaker Hannig: "Okay. So, the Bill will remain... remain on the Order of Second Reading. Now, for those who wish to be

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recognized on a point of personal privilege, we'll be happy to do that. I'll start down the list. Representative Meyer. Representative Black, soon to be..."

Black: "Mr. Speaker."

Speaker Hannig: "Yes."

Black: "I'm elected to office just as you are. I have the same number of people approximately in my district. I have the same responsibilities. I have the same rights, although I'm in the minority. If you choose to run over our rights, as you just did, the Chair at least, under Robert's Rules, should have said the Chair's in doubt and you should have gone to a Roll Call. If the 'ayes' carried that Amendment, then I got three eyes in the back of my head. I'm not gonna sit here and let you trample my rights. I've been elected 10 times. I have a right to speak. I have a right to point out the hypocrisy that you're about to do. And I'm not gonna sit up here and take this anymore. You wanna do it like you did in 1989 and '90, I request a Republican Caucus immediately."

Speaker Hannig: "Representative Brady, do you wanna give us a thought on how long you'd like to be?"

Brady: "Mr. Speaker, the Republicans will caucus in Room 118 immediately. Thank you."

Speaker Hannig: "So, the House will stand at ease until the call of the Chair."

Speaker Madigan: "Mr. Brosnahan, did you wish to call House Bill 4785? Mr. Clerk, what is the status of the Bill?"

Clerk Mahoney: "House Bill 4785 has been read a second time, previously. Amendment #1 was approved in committee. Floor

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Amendment #2, offered by Representative Brosnahan, has been approved for consideration."

Speaker Madigan: "Mr. Brosnahan."

Brosnahan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The underlying Bill, House Bill 4785 deals with requiring background checks of residents in nursing homes. Floor Amendment #2 contains cleanup language to the underlying Bill. It also does a... a couple other things. First, it excludes the background checks for licensed long-term care facilities providing care for those under the age of 22 and that is because these facilities are providing services to severely disabled children, and so we obviously do not think it is appropriate to require these facilities to conduct background checks on those individuals. It also addresses the situations where waivers may be obtained, given by the Illinois Department of Public Health to these facilities, where fingerprint checks would not be required if the number of, ya know, situations are met, whether the resident is immobile or if there's other things with the health of that patient that would prevent it from being a... prevent that person from being a threat to the other residents in the nursing home. I'd be happy to answer any questions. And I'd move for the adoption of Floor Amendment #2."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. The Chair recognizes Mr. Stephens."

Stephens: "Thank you, Mr. Speaker. I wanted to make sure that, ya know, we just adjourned our caucus and I wanted to give our Members time to get up here. I wonder if we could just

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hold matters. I see Representative Black is now coming to the floor. I wanted to make sure that our committee Members who would handle this Amendment, our committee spokesperson is here. Just a few minutes..."

Speaker Madigan: "Mr. Stephens, before I began Session, I asked Mr. Hassert if you were ready to go to work. His answer was 'yes'. I didn't begin the Session until I..."

Stephens: "He was speaking for himself, I'm sure."

Speaker Madigan: "You can take it up with him. I had placed a call to Mr. Cross. He has not returned my call."

Stephens: "Well, with that in mind, Mr..."

Speaker Madigan: "I saw Mr. Hassert. I said, 'Are you ready to go to work?' He said 'yes'. That's why I called the Bill."

Stephens: "Mr. Speaker, I would, on the Bill... to the Amendment, I would request a Roll Call and a verification should it... should it pass."

Speaker Madigan: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. I got so wrapped up in the dialogue that I didn't hear you call my name. Representative Brosnahan, this issue has come up in JCAR a number of times and part of the concern was who was going to pay for the background checks. Is this now putting the burden for paying it on the Illinois Department of Public Health?"

Brosnahan: "No. The burden of paying for the background checks will fall with the... the operators of the nursing homes, the facilities and they have agreed to that. So, they will be paying for the background checks."

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Mulligan: "And to what extent are they gonna grandfather in or are they gonna have to pay for everybody that's already there to do the initial check and also the new people coming in? I'm surprised I haven't been contacted, so I'm assuming either you have an agreement or they didn't expect you to call the Bill, one or the other. So, would you explain to me where we're going with this?"

Brosnahan: "Representative, I'd be happy to explain that maybe on... on Third Reading when we do the Bill, but that is not part of the Amendment. And right now I just move to adopt the Amendment."

Mulligan: "All right. So, the Amendment does not have anything to do with who's going to pay for the background check, correct?"

Brosnahan: "No. That was under the underlying Bill. And that is the facilities will be... will be paying for that. They have agreed to that and they will have..."

Mulligan: "Yes, but we've been promulgating the rules and there's been a problem with it. That's why I'm asking. Okay. So, this is not in that Amendment. So, there is no... Oh, well... the supreme being of all... on our side informs me that this becomes the Bill so there is no underlying Bill. Since I didn't have time to look at the whole Amendment, I'm still concerned as to who's paying for it. So, are negotiations still ongoing or are you moving it to Third?"

Brosnahan: "There... there has been a number of meetings with the Illinois Attorney General's Office, the Illinois Department of Public Health, with the nursing home industry, we had another meeting yesterday. So, my hope is to... to pass this

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Bill today or tomorrow, move it over to the Senate, and I think we'll continue to have discussions with the Illinois Department of Public Health, but I... I think as of right now they did not, the Illinois Department of Public Health, did not file a slip in opposition to this Bill. However, we'll keep the door open and will continue to talk to them. If we can make this Bill better in the Senate, we're certainly open to that."

Mulligan: "Well, Sir, this is a substantive Amendment and it did not go through to committee, so I don't know how the department could have filed a slip on it if you're presenting it here on the House Floor."

Brosnahan: "The... only... we've made very, very minor changes with this Amendment as to the... what we did in committee. The very... as I said, it's cleanup language. We did add some things that we talked to the department about that they are totally aware of. We discussed this... I discussed this with the Department of Public Health yesterday morning in my office, so... and they've indicated to me that were not opposed to these changes."

Mulligan: "And the nursing homes are agreeing or are they expecting Amendment #3 or are they expecting the Senate to do something with this?"

Brosnahan: "I wouldn't say they're expecting something to change in the Senate, but they have agreed to pay for the background checks. I know that was the main part of their objection in the past, but they've reached an agreement and they are willing to pay for these background checks."

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Mulligan: "Oh, Sir. I beg to differ with that. I have... I have... we have talked about this for quite some length of time. Everyone is in some agreement over what you're trying to do here, but I have never once heard them say they are willing to pay for the background checks, particularly if they have to pay for everybody that's there to begin with and this has come before JCAR a couple of times already."

Brosnahan: "Representative..."

Mulligan: "So, to say that they're willing to pay for them, carte blanche, seems to me to be an overstatement."

Brosnahan: "Representative, they did not testify against this Bill in committee. They have not contacted me since this Bill was called in committee and it's my understanding, and I have not been told anything otherwise, that the industry has agreed to pay for these background checks. Did they offer that up in the beginning? Certainly not. Did they object to it when this was first brought up? Yes, they did. But after discussions, after negotiations, they have, it's my understanding, they have agreed to pay for these. And Representative, they did not testify against this Bill in committee."

Mulligan: "All right. Sir, is there enough in the budget that you are giving them an increase to cover the initial cost of this? I mean, they've come to us and asked... the nursing home industry has come and asked for additional monies in their budget. Is there some agreement that would make them suddenly remove any objection they've had about paying for it, which has been going on for well over a year now?"

Brosnahan: "Not to my knowledge, no."

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Mulligan: "Well, I hope, if anyone's here from the nursing home industry that has lobbied us repeatedly on this and asked for some kind of relief for the total payment of this, which is quite expensive, that they don't come back now because they haven't come to us before and you're saying they agree with it. So, I'm gonna take your word as an honorable person that they're agreeing to you, but I will tell you as a Representative that serves on JCAR and as someone who has been lobbied on this repeatedly, there is a problem with the payment of this."

Speaker Madigan: "Mr. Meyer."

Meyer: "Thank you, Mr. Speaker. Would the Sponsor yield for a question?"

Speaker Madigan: "Sponsor yields."

Meyer: "Thank you. Representative, how many people are you talking about doing background checks on in the state?"

Brosnahan: "All new residents of nursing homes. The nursing home operators will have 24 hours to conduct background checks of new residents. They will also be giving 60 days to conduct background checks of the existing residents in those facilities."

Meyer: "So... but how many people do you think you're talking about?"

Brosnahan: "There are... I think, this is approximately... there are approximately 100 thousand people in Illinois nursing homes today. So, as I said, they'll have... everyone will have to undergo these checks unless there are certain waivers that are given by the Illinois Department of Public Health."

Meyer: "About how much money would be expended on this?"

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Brosnahan: "A electronic background check, I... we've been told by the Illinois State Police, will cost approximately \$10. If the electronic background check is inconclusive... and by that I mean, if it shows that maybe there's... that's done by name, date of birth. If a name check is inconclusive whether there's people with the same last names, the same date of birth, or if there's cases on there that shows that the disposition is open, then we would require a fingerprint check. A fingerprint check, we've been told, is gonna cost approximately \$20."

Meyer: "So, this could be 1 to 2 to 3 million dollars, somewhere in that... that price range?"

Brosnahan: "I don't know. I think, it's ... that this glint that we've told by the Illinois Department of Public Health is approximately 1.4 million. I haven't heard that the cost exactly what it would turn out to be through the... for the background checks. I don't have that information. I know how much a background check will cost, but..."

Meyer: "I'm trying to relate this to some of the nursing homes that I know in my area. What all is included in your definition of a 'nursing home'?"

Brosnahan: "I'm sorry, Representative, I couldn't hear that."

Meyer: "What all is... what types of facilities are all included in your definition of a 'nursing home'?"

Brosnahan: "Well, long-term care facilities, except we did make an exception, we are not gonna include those long-term care facilities that care for children, adults 22 years of age and younger because those are the facilities that care for

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the severely disabled and we're not gonna require them to do background checks."

Meyer: "Well, let me give you an example of what I'm concerned about. I have a mother who happens to live in a facility up in my district and I... my mother lives in a facility up by in my district. And there is a nursing home as a component of it, but it also has assisted living and then it has independent living where she happens to reside in the independent living part, but it's all connected as a part of one facility even though they're separately managed, I believe, I think they have different protocols for each facility and possibly some different employees that work at each of the facilities, but they are adjoined and you can walk from one facility to the next. Would... in that case, would you suggest that if someone moves into one of these independent living facilities that they would go through the same background check as somebody that is in the nursing home, since there's access available to them?"

Brosnahan: "Representative, I will get the answer for you for that. I'm not sure of the answer when it's connected. But I will find out and I will certainly get back to you before this Bill is heard on Third Reading."

Meyer: "Okay. And the reason why I'm concerned, if you look at the magnitude, I... I think there are about 75 people in the nursing home but there are about 400 people in the total facility and now, all of... and I see people moving in and out virtually every day because there's a substantial amount of turnover in these types of facilities and I'm concerned about how far this is going."

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Brosnahan: "That's a fair question, again, and I will certainly get back to you with the answer to that."

Meyer: "Thank you very much."

Speaker Madigan: "Mr. Washington."

Washington: "Thank you, Mr. Speaker. One question for the Sponsor."

Speaker Madigan: "Sponsor yields."

Washington: "A matter of fact a couple of question. In reading the legislation, the number of people that have to go through the waiver process of an individual, so Representative, in and of itself, the background of individuals coming into a nursing home, under the heading that you listed here, if they have these background, the Bill seems to say that in itself does not preclude them for evidently needed medical care or medical shelter. But at the same time, the number of entities involved in the wavering process, what is the timetable in terms of the actual getting of the waiver, the actual admission of the the person, and then if the person does not get the waiver, and is not admitted, but yet have legitimate health reason even to be going into a medical shelter, what happens to that person then?"

Brosnahan: "Well, I... I think understand your question. But if somebody, as I said, the operators will have 24 hours to complete a background check, a name check, on all new residents. They will have 60 days to conduct a background check of all the existing residents of those nursing homes. If a background check, based on their name, an electronic

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background check is inconclusive, they would then... the facilities would then conduct a fingerprint check."

Washington: "So, Representative, you're saying..."

Brosnahan: "If those person is considered an identified offender, they would have to give that information... the operators would have to give that information to the Illinois Department of Public Health. The Illinois Department of Public Health would then conduct a criminal background check analysis of that person to see the nature of the crime they were committed, a bunch of other factors. They'd also interview the resident and then would then make a report, give that back to the nursing home operator, so it's possible some of the recommendations would be... would have to be a separate room. It's possible they would... they would come back... the Illinois Department of Public Health would say..."

Washington: "But see, Representative, I don't mean to cut you off, but I understood what you were sayin' prior to you sayin' it. The question I was askin', would all of those different steps... I know you mentioned 60 days on a timetable, but what happens to the legitimate needs of whatever individual, whatever background, putting that to the side, with all of the time going by, what happens to that person needs bein' answered while all of that is being processed?"

Brosnahan: "Well, Representative, if a nursing home does not have the... the capability to care for someone that is an identified offender, that identified offender should not be in that nursing home. There are other nursing homes that

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would take that person. I'm sure there are. They do it all over the State of Illinois, but I think it's important for the safety of the other... other nursing home residents, as well as staff, that if that nursing home cannot provide enough safeguards to keep the staff and other residents safe, then they shouldn't be there."

Washington: "Okay, I understand your intent and then nobody likes to hear anybody gettin' abused in a nursing home. Most of the time you get to picture people in nursing homes are there because they really are... have the inability to answer some of their needs and people supposed to do that. But anybody you would think that's trying to get admission to a nursing home also have medical needs that are legitimate, irrespective of their background of prior things prior to the admission to the nursing home. So, with all of the number of hands involved in the decision making process, surely if he... if a person rejected from one nursing home, I doubt very seriously, Representative, that another nursing home is gonna go behind the same process and say, okay, you didn't get it there, but you can come here."

Brosnahan: "I respectfully disagree."

Washington: "You respect... do you have anything to back up your... your point of view?"

Brosnahan: "My... my dealings with the nursing home, they say there are plenty of nursing homes that are more than willing to take in is proof in the State of Illinois. When a study was done last summer, there were... there were over a hundred registered sex offenders in nursing homes. There were 75 or 65 convicted felons."

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Washington: "But see, you sayin' sex offenders... but your Bill does not just say sex offender, Representative, in all due respect."

Brosnahan: "Identified offenders, which would be..."

Washington: "Okay, but I'm not being argumentative. Sex offenders..."

Brosnahan: "...on parole, probation or as a registered sex offender."

Washington: "...scare tactic... sex offenders is in everybody's mind. I'm a father of seven. I... I mean, naturally my hair'd go up on my neck, but that's not what you just said in your Bill. It's not just limited to sex... people even with armed violence or domestic violence, and you know, maybe like I know, that some people in domestic violence sometimes you get sometime the wrong person is penalized and the story is much broader than what we see other than what we see identifying that person's background. So, my point was that if you got a situation like this, I would like... I would ask you to give me the list of those nursing homes that said that they would take 'em. That's number one, since you said you can back that up. Provide that to me, because if I ever had that problem in my district I would want to know where the alternate source would be. So, even though these people have backgrounds, some of them, I'm not defendin' them at all. But at the same time, they have legitimate health need that they have to be placed somewhere and if they're gonna be placed out, than what is the option... where is the cushion to address that... their sincere health need in this Bill? Is there anything... consideration or just

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a straight sweep, you got a criminal background, you go through a 60-day waiver. We say 'no', there's no place else to go... what do they come back to the community and run amok..."

Brosnahan: "And Rep... Representative, there are plenty of safeguards in this Bill. The Illinois Department of Public Health is gonna look at not just the nature of the crime charged. They're gonna do interviews with the... the actual resident. They'll do interviews with the prosecuting attorneys. They'll talk to probation officers, parole officers. It's very... it's quite possible that the Illinois Department of Public Health will make recommendations that they don't have to take any special precautions with people, even if they're... even if they're identified offenders. That... that's up to the... the analysis that's gonna be done by the Illinois Department of Public Health. We are not saying if you're an identified offender you cannot get treatment in a nursing home. That is not our intent. We're not saying that. We're trying to put safeguards in place. And that's what I think this Bill attempts to do. We are not saying that they are not allowed in nursing homes."

Washington: "My last comments. Representative, will you provide me with a list of those people you were using as your reference?"

Brosnahan: "I'm not sure what you mean. I... I might..."

Washington: "Those... those nursing homes that you just said would take these people."

Brosnahan: "I... I told you that I'd just..."

Washington: "Would you give me that?"

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Brosnahan: "I told you that I disagree. You... you made a comment, Representative..."

Washington: "Would you give me the list?"

Brosnahan: "...that one nursing home... there is no list."

Washington: "Would you give me the reference you used? Give me the list of the names."

Brosnahan: "I'll... give you... sure, I will give you nursing homes that I dealt with, Representative."

Washington: "Thank you, Representative. That's all... just put your... put your mouth... put your back in on your words on what you said. To the Bill. Mr. Speaker and to this distinguished Body, I think this is good intent. And I'm not knocking my colleague. I think it's an honorable thing to do. But I believe that you shouldn't take something if you can't replace it with something, and too many times in the community in which I serve the very people that are rejected have to go somewhere. They migrate from one point to the other and they bring baggage with them that eventually we've have to pay in the front end or the back end. And I just don't think this legislation goes far enough to give a cushion to say that if you fall in this category and they not gonna take care of you, where are these people going to answer legitimate needs. Thank you."

Speaker Madigan: "Mr. Black. Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Black: "Representative, let me ask you just a couple points. On the Amendment, it says, 'within 24 hours of admission

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request a criminal background check on all persons over the age of 18.' Now, I assume that language means only if you're going to be a resident/patient, not a visitor, right?"

Brosnahan: "That's correct."

Black: "Okay. Requires that all existing residents be background checked within 60 days of passage of this legislation. I... I have a mother-in-law and unlike the comedy shows for the last 50 years, I happen to like my mother-in-law. She's a very, very nice lady, but she's 93. She's in... her health is precarious. She's had a series of mini strokes this week. Are you telling me that my 93-year-old mother-in-law, my wife is gonna have to tell her mother who is in the stages of Alzheimer's, along with other physical ailments, is going to have to undergo a background check, a criminal background check?"

Brosnahan: "Representative, if she's gonna be a new resident to that facility, they will do a name-only background check. It obviously..."

Black: "She's been there... she's been there about six months, six, seven months."

Brosnahan: "Okay. They would do a name-only background check. If that name-only background check and that's all they would have to do with her. If it came up that it was inconclusive..."

Black: "All right."

Brosnahan: "...then... then she'd have to be fingerprinted. But what would happen is and your mother-in-law, if her health

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dictates that the facility says she is not a threat to other patients."

Black: "Well..."

Brosnahan: "If she is immobile, then they would get a waiver and she would not have to undergro... undergo a... fingerprint background check."

Black: "Well, she... she can... on good days she's ambulatory with the help of a wheelchair, but if in her current state where today may have been 60 years ago. She may be talking to her daughter, my wife, today about something that was 50, 60, 70 years ago. Now, if she has to get her fingerprints taken, she is not going to understand what's going on, that's new to her, she's probably... well, I know, she's never been subjected to having her fingerprints. It's going to upset her and she's going to become agitated and for what reason? Ninety-three years old and you're gonna subject her to a fingerprint process?"

Brosnahan: "Representative, again, I understand your point, totally, but I also think there's safeguards in this Bill where in that situation she would not have to undergro... undergo a fingerprint check. I... I think that would meet criteria that be... obviously, clearly, she would not be a threat to other patients. When there's other criteria present, the facility can ask the Illinois Department of Public Health for a waiver. And that person would not have to undergo a further background check. And it sounds like, to me, that would apply to this situation you're describing."

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Black: "All right. And I appreciate that. And hopefully, it will work. If not, you know and I know, senior citizens are a force to be reckoned with and their children. And this is a new... new experience for us. Ya know, my father will soon be 88, my mother-in-law's 93 and all of a sudden there's a role reversal. And now I'm... I'm... she's trying to take care of her mother and I'm at a longer distance, unfortunately, trying to take care of my father. That is a role reversal that many of you will experience in your life. It's not easy. It is stressful. And anything that upsets them really upsets the child. I... I hope this works. I have some deep reservations about this. I... I don't know why we have to subject somebody in their 90s or in the nursing home that my mother-in-law's in, I think there are three residents over a hundred, to things that are not in their routine, things that they will not understand, and things that will tend to upset them. I... I know what the intent of the Bill is and in some cases, particularly young residents who are put there and I might add, often put there in violation of a court order, you have to do this. But I... my wife will deal with it. I will not subject myself to the stress of going with her to the nursing home if indeed my 93-year-old mother-in-law is subjected to a fingerprint check because she simply will not understand what's going on, it will tend to frighten her, it will tend to upset her and I think that's the last thing a person at the age of 93 needs."

Speaker Madigan: "Mr. Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of the Gentleman's Amendment and commend him for

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his excellent work on this legislation. As you recall from newspaper reports over a year ago, there was a tremendous concern about sexual predators in nursing homes. The Gentleman has worked very hard with the Attorney General's Office and the various agencies to come to the Amendment that we have before us today. As you know, this is an Amendment #2 and to the Bill and it's not Third Reading on the Bill. I would encourage you to support the Gentleman in the movement of this Bill forward. There are safeguards protected in here. I understand the previous speaker's concern and of course, we all share that same concern. However, in that case, it would be merely a quick background check and obviously, nothing further would occur, based upon the language of the Bill. So, I think there are adequate safeguards contained in here. It's one that is very important. The Developmental Disability and Mental Illness Committee had two hearings on this legislation or type of legislation last year. And as a result of that and working with the Sponsor, I think we have a good piece of legislation. I'd commend your support for it."

Speaker Madigan: "The question is, 'Shall the Amendment be adopted?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Mr. Jerry Mitchell. The Clerk shall take the record. On this question, there are 100 voting 'yes', 8 voting 'no'. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments. No Motions filed."

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Speaker Madigan: "Put the Bill on the Order of Third Reading.
Mr. Hannig, do you wish to call House Bill 4442, on the
Order of Third Reading? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4442, a Bill for an Act concerning
government. Third Reading of this House Bill."

Speaker Madigan: "Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House.
This Bill deals with the Open Meetings Act. It's a very
simple proposal. As you probably already know, the Open
Meetings Act requires that there be 48 hours notice before
the elected body can hold their meeting. And all this says
is that in that counting of that 48 hours at least 8 of
those hours have to be during a normal business hours so
that people would have the opportunity to come in and see
the notices. That's all the Bill does. I'd be happy to
answer any questions. I'd ask for your 'yes' vote."

Speaker Madigan: "The Gentleman has moved for the passage of the
Bill. There being no discussion, the question is, 'Shall
this Bill pass?' Those in favor signify by voting 'yes';
those opposed by voting 'no'. Have all voted who wish? Has
Mr. Jerry Mitchell voted? The Clerk shall take the record.
On this question, there are 113 people voting 'yes', 0
voting 'no'. This Bill, having received a Constitutional
Majority, is hereby declared passed. Mr. Bill Mitchell,
House Bill 4081. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4081, a Bill for an Act concerning
criminal law. Third Reading of this House Bill."

Speaker Madigan: "Mr. Mitchell."

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Mitchell, B.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4081 amends the Unified Code of Corrections and County Jail Act to allow counties, excluding Cook County, under the direction of the county sheriff to create their own work camp for offenders sentenced to county jails who are nonviolent felons. This came to me from the sheriff of Macon County."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Is there any discussion? There being no discussion... Mr. Fritchey."

Fritchey: "Thank you, Speaker. Will the Sponsor yield? Representative, can you tell me the reason, if you know, for the opposition for the Illinois Sheriffs' Association..."

Mitchell, B.: "The Sheriffs' Association..."

Fritchey: "...and the Cook County Sheriff's Association?"

Mitchell, B.: "...is not in opposition according... I mean, I worked 'em on this Bill."

Fritchey: "With the Illinois Sheriffs' or the Cook County Sheriff's? 'Cause we're showing them both being opposed."

Mitchell, B.: "We... we exempted the Cook County..."

Fritchey: "Okay. And the Illinois Sheriffs' Association and you're..."

Mitchell, B.: "They're supporting this Bill."

Fritchey: "Okay. Then that's an error on our part, I apologize. Thank you."

Mitchell, B.: "You're welcome."

Speaker Madigan: "Is there any further discussion? There being no further discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those

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opposed by voting 'no'. The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Third Reading, there appears House Bill 4406. Representative Jones. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4406, a Bill for an Act concerning education. Third Reading of this House Bill."

Jones: "Thank you, Mr. Speaker and Members of the House. House Bill 4406 is meant to address the disparity of financial assistance between students being raised by their grandparents who are wards of the state and those who are not. Currently, students who are wards of the Department of Children and Family Services receive \$415 a month stipend and an automatic tuition waiver for college. Those who are not wards of DCFS receive only a hundred and seven dollars per month which terminates upon testing at 18. What this Bill says is those children that are war... are not wards of the court who are being... that are on TANF, when they get 18, they do not receive anything towards going to college. And what this Bill gives them a thousand dollars towards them going to college and if they... and we're given to them each additional year... if they qualify. There's a couple of Amendments that have been put on the Bill and one of the Amendments, Amendment #1, changes the word 'entitled' to 'eligible'. And the other, Amendment #2, just basically says if they qualify, they can get this thousand dollars every year. Right now, the amount... the number of children that approximately that this would be considered is about a

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thousand fifty-one. But only about 30 percent of them are eligible for this stipend of a thousand dollars. Thank you."

Speaker Madigan: "The Lady... the Lady moves for the passage of the Bill. The Chair recognizes Representative Currie."

Currie: "All I have is this is a very important Bill and in fact, the Sponsor of the Bill knows very much of what she speaks when she offers a Bill like this. If a child is a ward of the Department of Children and Family Services, the family not only gets a significant stipend on a monthly basis but also a tuition waiver for the children who choose to go to college. The child on public aid gets very little and no support once that child hits the age of 18. So, Representative Jones' Bill that says that these children will be eligible for tuition waivers, I think, makes awfully good sense, makes for good public policy, and certainly is a boon to the children who are being raised by grandparents whose funding comes from the Department of Public Aid. I know of no opposition. And I hope you will give your strongest support to passage of House Bill 4406."

Speaker Madigan: "Mr. Parke."

Parke: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Parke: "Just a couple questions on... where's the money gonna come from on this? How do you pay for this?"

Jones: "I didn't hear the question."

Parke: "How do you pay for this Bill?"

Jones: "It's less than \$350 thousand."

Parke: "I'm... I'm sorry? Say that again?"

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Jones: "I intend to find a way in the current budget."

Parke: "You're gonna find a way... find the money? I... I'm... where's... is it a line item or are you... do you have a tax increase you're sponsoring to pay for this? I don't understand where the money's gonna come from, Representative."

Jones: "Ya... ya know, Representative, it's hard for me to understand what you're saying."

Parke: "Is it 'cause you can't hear me?"

Jones: "Evidently I couldn't hear you. I said I couldn't understand what you were saying."

Parke: "I said, how do you pay for this Bill? Where's the money gonna come from, Representative?"

Jones: "We will... we can find \$350 thousand in current resources."

Parke: "Well, we don't know if it's that much. It could be... it could be a million dollars. It could be a lot more than that 'cause we can't find the numbers on how many it is. Do you have any idea on how many... how many children you're planning on helping with this?"

Jones: "Approximately 300... approximately 315."

Parke: "And so this is a thousand dollar-a-year voucher?"

Jones: "Per year."

Parke: "Per year. And can they use that to go to a school in Hawaii?"

Jones: "No."

Parke: "How... why..."

Jones: "State schools only. Right now..."

Parke: "Where's that say in the Bill?"

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Jones: "...right now, the... right now, the children that are wards of the court... wards of the state, under DCFS, they automatically get a waiver for state schools."

Parke: "Well... to the Bill. Ladies and Gentlemen, I understand what the Sponsor's trying to do, but this is... there's a lot of unanswered questions in here and we just have a concern about it. Ya know, I appreciate that... that, but I believe the thousand dollars is for college, for universities, that they can go to and we just are not sure that... we think that could go to any school anywhere, it's not just a state school as the Sponsor unless... unless... we've missed it in the... in the legislation. It says, 'institutions of higher learning' and that could be anywhere. I would like it to be state schools, I would like that, but I think you need to take a good, hard look at it. We don't know how much money this is. We don't know how many children there's gonna be involved in it and... and we can't find in the Bill that it says that it's only state schools. It says, 'institutions of higher learning' which could be anywhere in the world. And though, I'm sure they would have to keep it 'cause these are people that are on... welfare, so I'm sure they'll be using it somewhere locally. Yeah. One other thing... well, I... I've said to the Bill. All right. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Rose."

Rose: "Thank you, Mr. Speaker. Will the Lady yield for a question?"

Speaker Madigan: "The Lady's... sponsor will yields."

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Rose: "Representative, I... I rise 'cause I have the same concerns as those who've stated. The Bill, as I read it, says higher... 'the institution of higher education.' It doesn't specify an instate institution of higher education."

Jones: "Representative, it's just like... it's just like the children that are wards of the court, wards of the state. The waiver is for a state school. A thousand dollars is not gonna take 'em too far out of the state. But this is just for state schools. And I did tell the former Representative it's approximately 315 students."

Rose: "Mr... Mr. Speaker, I can't hear the Lady's answer. I can't hear the Lady's answer, Mr. Speaker. Thank you. Could you repeat that, Representative?"

Jones: "What I was saying was that it is definitely the waiver... the waiver now for children under DCFS is for state schools. This is for state schools. It's approximately 315 students now. And it's really about parity because the children that are under DCFS automatically get a waiver to go to any state school when they graduate from high school. And this Bill is only about parity."

Rose: "Rep..."

Jones: "The children that are under the TANF..."

Rose: "Rep... Representative, if I can get back to my question. The question is, where in the Bill does it say it's only for state schools 'cause I don't see any restriction and you could take this to any institution in the country, in the world, for that matter."

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Speaker Madigan: "Ladies and Gentlemen, please lower the noise level. Representative Jones, did you hear the Gentleman's question?"

Jones: "No, I didn't."

Speaker Madigan: "Mr. Rose."

Rose: "Representative, where in the Bill does it state that it's restricted to just instate schools? 'Cause I don't see anywhere that makes that restriction in this language."

Jones: "Representative, it was patterned after the DCFS waiver. And again, it's a thousand dollars and it's a... I'm sorry, it's a grant. It's not a... this is a grant, this is not a waiver. But it was patterned after the waiver that... for the DCFS children. Now, it might not say in the Bill that it's only for state school, but it is for the state... the state school only. And..."

Rose: "But... I guess that's my concern, it doesn't say it in there. And are you saying that you'll amend this in the Senate to make it specify only state schools?"

Jones: "I will be... I will be happy to have it amended in the Senate where it is just for state schools."

Rose: "Okay. Then my second question is, where does the money come from to pay for this?"

Jones: "It's approximately \$350 thousand and we... and I'm quite sure we can find in the current resources in this budget."

Rose: "Did... again, though, if you put that same amount of money into the... into the MAP Program, you might have the same effect but have the effect on... on more students trying to ease... to access affordable higher education in this state. I... I guess my concern is that the language simply says that

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the commission 'shall' not 'may', 'shall' be paid out of... of funds available from the commission and the commission being ISAC. And as you know, Representative, the Governor has proposed selling the ISAC assets."

Jones: "Representative, these are children that are on public aid, on the TANF, on public aid. I would love to give more money to the MAP Program, but these are children that will be able, hopefully, not all of 'em, hopefully, some of them people will be able to attend college..."

Rose: "Well, Representative, wouldn't a child that's on public aid, TANF, be eligible for a MAP grant anyway?"

Jones: "No."

Rose: "No? Rep... Representative, they absolutely would be."

Jones: "Number 1... Representative, number 1, the average grandparent is on a fixed income. They are raising their grandchildren and on public aid."

Rose: "I don't dispute that, Representative. What I'm talkin' about is, how do you pay for this? And the question was, if someone is on TANF, wouldn't they be eligible for MAP anyway?"

Speaker Madigan: "Ladies and Gentlemen, please, lower the noise level. Representative Jones."

Jones: "As far as I know, Sir, no. All I'm tryin' to do is... is about parity. You have a group of young people when they get 18, they're grand... being raised by their grandparents, they... only about 30 percent of them will be able to go to college because most grandparents are on fixed income and these grandparents are on TANF."

Rose: "Rep..."

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Jones: "They receive a hundred and seven dollars a month."

Rose: "Representative, I'm not... I'm not disputing that. I... I'm just stating as a matter of fact that if you're eligible for TANF, you would also be eligible for a MAP grant. But let's get on to the next question and that is, if the ISAC assets are sold, where is the money coming to pay for this? Because the way it's laid out is it..."

Jones: "I think I answered that already."

Rose: "No, you didn't, Representative."

Jones: "I told..."

Rose: "If the... if the... if ISAC no longer exists, which is what's being contemplated by this Body, by the Governor, by the Senate, by this state, where's the money come from to pay for this? Rep... Mr. Speaker. To the Bill. I... I think I've made my points."

Speaker Madigan: "Mr. Miller."

Miller: "Thank you, Mr. Speaker. To the Bill. Representative Jones has an excellent piece of legislation, Ladies and Gentlemen of the House. It addresses two problems that are facing our state and our country. One is the realization that our definition of families have changed. If grandparents are raising children these days, regardless of the circumstances of how those grandparents are raising those children, that is a reality that we have to face with. These children deserve a fighting chance just like anybody else to seek a higher education. The second point that this Bill addresses, a recent University of Illinois study indicated that there's a disparity growing in those who seek to go to college and those who are able to go to college and

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those who do not. Those differences fall upon race, which this Bill doesn't deal with, but more importantly, upon economic lines that regardless of where you live in this State of Illinois. This Bill just offers a simple token of appreciation for those grandparents that open their heart to the whatever the circumstances may be to those students who wanna seek a college education. I don't care if this Bill applies to those who wanna go to Northwestern or who goes to the University of Illinois. The mere fact that these are colleges... the rising cost of college education in the State of Illinois should be affordable and should be accessible. This is a small token of appreciation for those grandparents and this Bill should get 118 votes."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I don't know why every Bill has to end up pitting some of us against some of us. And when you ask questions of the Bill then you don't like the Sponsor or you don't like the concept or you don't like that side of the aisle or you don't like this side of the aisle. Our responsibility, whether you be on Democrat side or Republican side, we all have a responsibility to the people who send us here to look at legislation, see if it's drafted as tightly as possible, number one. That it does, in fact, what you want it to do, number two. And number three, and I'm sorry if some of you don't agree with this, but the third parameter of your responsibility is, can you afford to do what you say you're going to do. If you would simply look at the Bill, it isn't us against you or you against us,

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the Sponsor of this Bill is a friend of mine. We were out together just the other night. Now, now, now, now. Mr. Speaker, this is going down hill quickly."

Speaker Madigan: "Is that the fault of Representative Jones?"

Black: "Yeah. Yes. No, seriously, I've known Representative Jones since the day I walked in this chamber and we're friends, not just colleagues, we are friends. We've enjoyed many a story and a laugh together. We had a good time at the reception yesterday where... or the other day... where a Clydesdale horse was on display. It was a pleasant evening. I don't stand in opposition because it's Representative Jones's Bill. I stand in opposition for three things that my constituents demand of me when I come down here. Number 1, if you'll just look at the Bill, it isn't drafted as some of you are claiming it is. The Bill does not say that the grandchild has to go to an Illinois school. It is wide open. And as a previous speaker said, I suppose it doesn't make any difference to me whether they go to Princeton or Wyoming or Texas and a college education is a college education. But I think the Bill, since it's being financed with Illinois taxpayer funds, should clearly state you go to an Illinois school. It does not say that. Number two, our staff has asked the Department of Children and Family Services repeatedly how many grandchildren are we talking about. Are we talking about three hundred, five hundred, a thousand, what are we talking about? And I think one of the things that should irritate you as much as it does me, we cannot get an answer from DCFS. They... you know they have that in their database. If a grandparent has legal...

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guardianship or custody of a grandchild, that database can be accessed by DCFS. They refuse to tell us. They just don't return our calls. That's wrong. It's wrong if we try to do it, it's wrong no matter who tries to do it. Last, but not least, the Bill is drafted in a way that this, in the opinion of the Illinois Legislative Research Bureau, a group that we've all used, is truly bipartisan or nonpartisan says they've reviewed the Bill and it is an entitlement. The Amendment tried to clarify that position, but in the opinion of LRB and I think all of you would agree that they have excellent people who study things and give us answers, in their opinion it is still an entitlement. So, if we don't appropriate the money, the universities will have take these grandchildren and they will get no money and then that becomes a classic cost shift for your constituents. It turns out to be what we often do here. The General Assembly Scholarship Program, it has its supporters, it has its detractors. I got out of it when I found out we don't appropriate one dime to pay for it, so the universities swallow 5 or 6 million dollars in unpaid tuition that shifts the cost to other people. There's nothing inherently wrong with this Bill. I have six grandchildren. I see... I spoke to the grandchildren's support group in my district not long ago and at that time four... this has been 5 years ago... 44 thousand grandchildren were being raised by their grandparents. Now, not all of 'em had legal custody. So, it is a phenomenon. And I think the... I think the Representative has a... has an issue, it's a good issue. All some of us are saying that there are three

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major points that need to be clarified: 1) if it's Illinois tax funds, it oughta... they oughta go to an Illinois school; 2) how many people are we talking about? A hundred grandchildren or two thousand grandchildren; and 3) do we, as a Legislative Body that appropriates funds, do we have the fiscal discipline to appropriate the money each year... and it will grow each year, unfortunately... to make sure that this entitlement program, and I'm not sure the Sponsor means it to be an entitlement program, so that when the grandchild shows up at whatever school he or she attends that that school actually gets the tuition money from a dedicated fund from State of Illinois... the government of the State of Illinois. It isn't an issue that we have to raise our voice over, it isn't an issue that pits anybody against anybody. It is an issue that we're all charged with exercising due diligence. Is the Bill drafted as tightly as it can be? How many people does it impact? And how do we pay for the cost? And ya know what, there are times that we don't do due diligence and I would submit to you that may be why we're having just a little bit of difficulty in the coming budget year. And if we continue down this path, we're gonna have more difficulty in the budget year. I like the Bill, I like the idea, I truly love the Sponsor. But I can't in good conscience vote for something when I can't go back home and answer the three basic questions that my constituents would demand of me to explain why I supported or in this case, did not support the Bill. This isn't against the Sponsor, it isn't against the idea. I have six grandchildren, they are the absolute joy of my life. And if

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anything happened to their mother or their father, my wife and I would take them in in a second and we would assume any and all responsibility for those grandchildren. But I still have to go home, look my constituents in the eye, and answer the three basic questions that we always have to answer and on this Bill, in its current form, I can't do that. So, I can't vote 'yes'."

Speaker Madigan: "Mr. Bost. Bost. Mr. Bost."

Bost: "Thank you, Mr... Speaker. I don't know what I can add to do... the previous speaker. There were many of us, if you look at the vote out of committee, that did support this based on the... some changes that would be made and... and ya know, it was out of respect to the Sponsor that we did that. There's still a lot of problems that we see with it. And I... I mean, it'll probably get enough votes out of here, Representative, and... but we didn't do that to get it out of committee. I'm still concerned about a lot of the... the issues that are there, but I just needed to let you know that."

Speaker Madigan: "Representative Lou Jones to close. To close, Representative."

Jones: "Before I close I'd like to answer Representative Black's concerns. Maybe you didn't hear when I answered the questions that was asked of me earlier. They were... they asked me how many children would this impact. I told you approximately 315. I didn't get that number out of the top of my head it came out of the TANF. I called them. They didn't give you the number, but they did give it to me. Number two, I did say I would be willing to make that change

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in the Senate where it would be Illinois schools only, like the waiver is that the DCFS children get. And I did answer both of those questions when they were asked of me. The part about the entitlement and the eligil... eligibility, I did an Amendment because I was asked in committee to change that and I did change that entitlement to eligibility because the children that are in DCFS it is an entitlement. They automatically, automatically, get a waiver to go to any state school that... that they want to go because the State of Illinois is considered their parents. These other 315 children do not have a way to go to college because grandparents are not considered guardians and most of them are on a fixed incomes and all this does is give it a little parity there where these other approximately 315 children would be able to attend a college in the State of Illinois. And I ask for a favorable vote."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 68 people voting 'yes', 44 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Turner, Mr. Turner, did you wish to call House Bill 4666? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4666, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Madigan: "Mr. Turner."

Turner: "Mr. Speaker, can we withdraw Amendment #1 to this Bill?"

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Speaker Madigan: "Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Floor Amendment 1 and 2..."

Speaker Madigan: "Mr. Clerk, what... what Order is the Bill on?"

Clerk Bolin: "House Bill 4666 is on the Order of House Bills-
Third Reading."

Speaker Madigan: "Mr. Turner, did you wish to put the Bill on
Second?"

Turner: "Bring the Bill back to Second and let me..."

Speaker Madigan: "Yeah. Mr. Clerk, put the Bill on the Order of
Second Reading. Are there any Amendments?"

Clerk Bolin: "Floor Amendments 1 and 2 have been adopted to the
Bill. No further Amendments have been approved for
consideration."

Speaker Madigan: "Mr. Turner."

Turner: "Speaker, I request that we withdraw Amendment #1."

Speaker Madigan: "Mr. Clerk, is the... has Amendment #1 been
adopted?"

Clerk Bolin: "Floor Amendment #1 has been adopted to the Bill."

Speaker Madigan: "I believe that Mr. Turner... I presume you voted
on the prevailing side, have you moved to reconsider that
vote? Mr. Turner, I'm advised that the proper Motion would
be to table the Amendment. Mr. Turner."

Turner: "Table the Amendment. Let's table Amendment 1."

Speaker Madigan: "All right. The Gentleman moves to table
Amendment #1. You've all heard the Gentleman's Motion. Is
there leave? Leave is granted. The Amendment is tabled.
Are there any further Amendments?"

Clerk Bolin: "Floor Amendment #2 has been adopted to the Bill.
No further Amendments have been approved for consideration."

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Speaker Madigan: "Put the Bill on the Order of Third Reading.
Mr. Clerk, read the Bill for a third time."

Clerk Bolin: "House Bill 4666, a Bill for an Act concerning
State Government. Third Reading of this House Bill."

Speaker Madigan: "Mr. Turner."

Turner: "Thank you, Mr. Speaker and Ladies and Gentlemen of the
Assembly. House Bill 4666 passed out of the State
Government Committee unanimously. This is a Bill that is
agreed to by the City of Chicago, IEMA and the Illinois
Department of Public Health. It's a Bill that aids our
state in the event of pandemic influenza, bioterrorism, or
other public health emergencies because it enables both
local health departments to carry out mass vaccinations.
This is agreed upon language. There are... it clarifies what
is known as a natural disaster and when it, in fact, will
have to be declared. It talks about the relationship
between IEMA and local governments. And I move for the
adoption of House Bill 4666."

Speaker Madigan: "Mr. Parke."

Parke: "Thank you, Mr. Speaker. I... I'm not sure I understand,
Representative. Is this some kind of an enabling
legislation that does what?"

Turner: "What it does is it allows the suspension of license... it
allows... and it gives IEMA and local government the ability,
in case of a natural disaster, it allows them to then
determine who could be licensed to hand out... in the event of
medication. So instead, you havin' to wait for... because
there may be a shortage of those professionals, these people
would certify... IEMA would certify who those individuals

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could be. It would take away the liability that would be there naturally because of this relationship. But what it does is it... it establishes a relationship between the state, IEMA and the City of Chicago and other local governments and it gives 'em the ability to then deal with natural disasters in terms of passing medication or whatever else may have to be done."

Parke: "Who... who calls the national emergency? Is it the mayor?"

Turner: "It's when the Governor declares a natural disaster..."

Parke: "The Governor."

Turner: "...and it lasts for a period of time, for 30 days."

Parke: "So, the Governor calls..."

Turner: "The Governor calls it."

Parke: "...the national disaster."

Turner: "That's correct."

Parke: "Is there any cost involved in this?"

Turner: "Well, I don't know what a natural disaster's gonna cost, but this..."

Parke: "No, no, no, no, no. Nice try."

Turner: "...at least clarifies... No."

Parke: "No, no, no."

Turner: "There's no..."

Parke: "Is there a cost to anybody?"

Turner: "No."

Parke: "The City of Chicago or IEMA?"

Turner: "There's no cost here, no."

Parke: "So..."

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Turner: "This just establishes a relationship. It relieves, ya know, it sets up a, in terms of liability, it estab... it clarifies, ya know, what the liability would be in cases of a disaster."

Parke: "Is this... is this some kind of a... based on the problem that was... how we had in New... New Orleans?"

Turner: "That and then there was an article in Crain's, just recently, about it and you've heard about the bird flu epidemic. And they, in fact, they had a summit in Chicago recently tryin' to coordinate what you would do in the in the event of a pandemic influenza or a pandemic emergency. And so, this is what it's all about. It's tryin' to talk about if that, in fact, happens, how would you dispense the vaccinations in an expedited period of time. You may need some other health care professionals and this'll allow local government the ability to then determine who those individuals are to fulfill the need to take care of that epidemic."

Parke: "Okay. This has been looked at by the Bar Association and the..."

Turner: "This is agreed."

Parke: "Huh?"

Turner: "Yeah."

Parke: "All right. Thank you."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

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Black: "Representative Turner, I'm having some difficulty understanding and I've talked to staff, if... if what I'm ready is correct... let me find the sentence here. Okay, here it is. 'Volunteers working under agencies accredited by IEMA and pursuant to a plan approved by IEMA during a disaster declared by the Governor or in circumstances approved by IEMA shall be deemed state employees.' Now, what... what is the intent or the purpose of that language?"

Turner: "Representative, when we say 'state employees' right now what happens is if a volunteer is working under the guise of IEMA and he gets hurt, we would pay that individual workers' compensation. This says that if there's a smaller agency, a smaller Department of Public Health, in this case the City of Chicago or a local county department of health, and they hired the volunteers and as long as they're working under the coordinated effort of IEMA and this plan that has already been laid out, then they, too, would qualify for workmen's compensation."

Black: "Does..."

Turner: "So, when we say 'state employees' that's what..."

Black: "Okay."

Turner: "...we're referring to."

Black: "And I understand that one for liability and workers' comp. What... is... is there some trigger mechanism in here that would make them be able to bill the state after the emergency saying, 'I worked a hundred and thirty hours and I wanna get paid...'"

Turner: "No. The..."

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Black: "...whatever the ra... whatever the rate is for an employee of IEMA.'" "

Turner: "These are volunteers."

Black: "Well, that's... that's what's confusing."

Turner: "Right."

Black: "A volunteer is a volunteer."

Turner: "Right. Right."

Black: "And I think once you say a volunteer is deemed a state employee and there's no qualifying sentence that says they're deemed a state employee for purposes of workers' compensation I would think that person would have a cause of... for legal action to say if I'm deemed an employee I'm wanna get paid. I worked a hundred and thirty hours in the last 10 days."

Turner: "Representative, did you... were you..."

Black: "I'm sorry?"

Turner: "Were you waiting for a response to a question?"

Black: "Well, yeah. I... I mean, we're having difficulty understanding that there's language that say they shall be deemed... the volunteers shall be deemed a state employee. We can't find any qualifying sentences anywhere in the Amendment that clearly states 'only for purposes of worker compensation or liability'. And if you just leave the language as 'shall be deemed a state employee'..."

Turner: "What line are we on?"

Black: "If you... look on page 2. Now, your page may be different. Ours is page 2, line 17 through 22."

Turner: "Is it of the Amendment or the Bill? We're looking at the Bill."

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Black: "I believe it's the Amendment, Representative, the Amendment."

Turner: "Representative, are you guys looking at Amendment 2?"

Black: "Mr. Speaker. Mr. Speaker, to the... to the Bill as amended. I... I appreciate your staff coming over. Well, let me address this to Representative Turner. Again, a good friend, someone I've worked with for 20 years, more than 20 years. You may wanna take a look at some language in the Senate because even IEMA says there could be a potential fiscal impact and they say this on their fiscal note. The liability to the state is not determined because one could not speculate whether or not the state would be sued. I think we all agree that they will be covered under workers' comp. However, it is reasonable to expect that in a major response to an incident that some volunteers now working for IEMA may be injured which could result in WC. However, it is also possible that some volunteers could be sued in tort action by a third party which would invoke the liability provisions of Section 8(d) of the Court of Claims Act. In other words, we're going to indemnify that volunteer if, in fact, they're sued by a third party. It will become an obligation of the state. And as your staff pointed out, that's pretty much the practice now. I... I guess, and I appreciate your indulgence and that of your staff, but Mr. Speaker, I intend to... to vote for the Bill. I would hope that the Sponsor would ask the Senate to take a look at some of the language. I know I got some calls and maybe you did as well, Representative, after Katrina when we sent volunteers down and they did a wonderful job: firefighters,

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police officers. And then they come back and we find out that the City of Springfield or the city of whatever that sent them there, was being billed \$450 thousand for overtime for volunteers and that... and I had people call my office and say that's not my definition of a volunteer. So, I... I just... again, I think it's a good idea. I hope we've learned some things from Katrina and other natural disasters that we've had, but I also hope we keep in mind that the volunteer is still a volunteer and we'll protect them from liability. But if a volunteer is an employee and gets paid by, then I question whether they're a volunteer. But I... I intend to vote for the Bill and I appreciate your indulgence. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4729, Mr. Hannig. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4729, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Madigan: "Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. This Bill came to me from the adjutant general. As you probably know, the adjutant general is in charge of the National Guard here in Illinois and has worked very closely with the Armed Services of the United States. We've sent a

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number of units over to Iraq and Afghanistan, I believe, as well. But in any case, the point of the Bill is that the Federal Government has authorized our State Government and our adjutant general to promote two one-star generals to two-star generals. This requires, though, that we authorize... that we also authorize the adjutant general to do this. And so, this legislation would... would give him the okay to get in compliance with the federal legislation and to give two individuals who are working very hard for us an opportunity to advance. So, that's what the Bill does. And I'd be happy to answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 12 of the Calendar... is Representative Lou Jones here? Representative Lou Jones? Lou Jones, we're gonna call House Bill 4447. 4447. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4447, a Bill for an Act concerning insurance. Third Reading of this House Bill."

Speaker Madigan: "Representative Jones."

Jones: "Thank you, Mr. Speaker and Members of the House. House Bill 4447 amends the... amends the Covering ALL KIDS Health Insurance Act to authorize the Department of Health Care and Family Service to establish a buy-in option for the new

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program that will provide coverage for children age 19 through 23. If that child was enrolled in the program prior to turning 19 years of age, the dependent child must be attending a secondary or post-secondary education program full time. The department may adopt rules to establish eligibility, copay, and premium requirements for children to be enrolled in the program."

Speaker Madigan: "The Lady moves for the passage of the Bill. Is there any discussion? Mr. Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Once again, a fine Sponsor, a tremendous idea and in years past when we had budget surpluses, this might have been a very good Bill to see if, in fact, we could... could implement. Just... just to answer the three points. The Bill is... the Bill is not tightly drafted. It requires a student to remain in good standing, although that term is not defined. There's no grade point average. There are other difficulties in if you switch from KidCare to ALL KIDS, if you have a preexisting condition, then you may be do... having the op... the absolute opposite effect of what you think you're doing. Because if you are switching this child at this later age, 18, 19, 20, with a preexisting condition there's a possibility that ALL KIDS would not pick up the insurance on... on that individual. And... and ya know, I... I don't get any... I don't take any pleasure out of getting up here on the third point, but again, ALL KIDS hasn't even started yet. The rules have not been promulgated. We have no experience in what this program is going to cost. We have no real, honest to

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goodness idea to where you can go back home and look somebody in the eye and tell you... tell them how you're going to use their tax dollars to pay for this program. We... we don't know how we're gonna pay for ALL KIDS. Now, before ALL KIDS even starts we're expanding ALL KIDS. And it's not my figures, it's the figures of the Department of... of Health and Family Services, a department of the Governor, run by a person appointed by the Governor who estimates that this program will cost \$21 million during the first year and in the out years, by the fourth year of the program, it will cost \$84 million. And this... this in a time when we are not and it's... and again, I don't want to make this a political issue. You all can read the budget book as well if not better than I. We're not paying our Medicaid bills on time and we'll hear that sometime later in the next two weeks. We don't have a balanced budget. If you count borrowed money as balancing the budget, that doesn't meet any accepted accounting standard of a balanced budget. So, here we go, trying to get through the FY07 budget which we haven't even really gotten our teeth into yet. We're expanding a program that hasn't even started yet. We don't know what the parameters are, we don't know what the program will be, the rules haven't been promulgated. And before we even get started and before we even have a quarter, ya know, a quarterly report of what ALL KIDS will cost and how it works and how it'll be administered, now, you're asking us to vote on an expansion of a program that hasn't even started. I quote... I quote somebody... I'm gonna paraphrase the quote from somebody I respect a great deal and who is...

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who is currently in this chamber, 'the day of budget reckoning is here.' I didn't say that. The presiding officer of this Body said that. 'The day of budget reckoning is here.' We cannot continue to vote and approve programs because they're good ideas, I agree with that, it's something we would all like to do. But I don't have any idea how we're actually going to fund KidCare in the out years let alone an addition to a program that hasn't even started yet. And with all due respect to the Sponsor and in all due respect to those of you who will vote for this, if you can go home and tell your constituents how we are truly going to pay for this in FY07, then in FY08, '09 and 10, you're a better Legislator than I and I tip my hat to you if you can honestly tell 'em that. I intend to vote 'no'."

Speaker Madigan: "Representative Krause."

Krause: "Thank you, Mr. Speaker. To the Bill. Representative, as someone who voted for in support and supported ALL KIDS to me it is important to see that that program, as we put it forth for those under the age of 18, to move forward. I do not believe that we can, at this time, go ahead and add those to the ages of 19 through 23 when we are just at the initial stage of creating the ALL KIDS program. In committee, when this was presented before the Health Care Committee, the Health and Family Services did appear and put in an objection and it was based on cost. But the objection also has to be, and why I cannot support, it is that we have not even begun on the initial ALL KIDS program to get it where we want it to be, to get it set up, to get the disease management program, to get the providers in, to get the PCCM

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set up. For that program to succeed, there is a lot of work to be done and I want to see it succeed. But we should not, at this point, be adding on to the program rather our attention should be addressed to working it out, getting the providers in. We have a number of months of work to go in order to have it proceed. To me, it is best to work on the initial program and therefore, I do not support this and will vote 'no'."

Speaker Madigan: "Mr. Stephens. Stephens. Currie."

Currie: "Thank you, Speaker. Just to make two quick points. First, this is not a mandate. The department need not establish this program. I think that means we don't have to fear that we will undercut ALL KIDS. And second, remember that in most private insurance there is continuity of care for a child who after the age of 18 goes on to an institution of higher learning. This becomes an option for the state, if we care about continuity of care and the department may set different buy-ins, different copays, different rates, than that which will apply to ALL KIDS. So, I urge a very strong 'yes'."

Speaker Madigan: "Representative Dugan."

Dugan: "Thank you, Speaker. Will... will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Dugan: "Yes, I just wanted to check and I think Representative Currie, of course, just mentioned it. But this is not a mandate. This is something that we're saying as a state that we want to expand a program that many of us believe is in the best interests of children in this state. I think and I mentioned it in committee, as we look forward to and...

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and we know the uninsured in this state and it stretches throughout the State of Illinois and those that don't have insurance and when we look at ALL KIDS and what we're trying to accomplish. I think, exactly the point is, the program has not been set up completely. We need to look at what we're going to put into place and what better time to make sure that we include everything that we want to see is to also expand what we believe now is a section of our youth that also need to be covered with insurance. I believe many of us, as I said in committee, that are very fortunate and we're able to provide our children with insurance and when they go on to college. But there also is a plan in the Illinois colleges where you can get insurance for your children that is a separate policy and this program could certainly be tied in with that. Is that correct, Representative? I think we had... Representative Jones. I think we had talked about that. The policies and the insurance that's available in colleges now we could even take this program to kinda tie in with the programs that we already offer for the kids at that age."

Jones: "I'll vouch for that."

Dugan: "The kids at that age. And so, the cost would probably be less than what some may even be thinking."

Jones: "Absolutely."

Dugan: "Because of the programs that are available. So, again, as we look at a program in the State of Illinois that looks at what we wanna do which is to make sure every child is covered and for those who cannot afford to make sure that their children even when they get into college years, but if

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you have insurance, my children are covered until 24. Anyone who has insurance that insurance policy does cover children as long as they're with... in college and that's correct."

Jones: "Right."

Dugan: "And so, we just wanna say those parents who do not have the opportunity of having insurance, their children should also have the same opportunity to be covered by insurance. That's what ALL KIDS is all about. And now I think is the time to say it needs to be expanded so that when we develop a program it truly does. So, I stand in strong support of your Bill and want everybody to understand and remember what we're trying to do here as elected officials and that is to provide benefits certainly to the youth who are the future of our communities. So, I commend you for this Bill. And ask for an 'aye' vote."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 65 people voting 'yes', 48 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2012. Mr. Clerk, what is the status of House Bill 2012?"

Clerk Bolin: "House Bill 2012, a Bill for an Act concerning education. The Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Soto, has been approved for consideration."

Speaker Madigan: "Representative Soto."

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Soto: "Thank you, Speaker and Members... Members of the House. Amendment #2 would replace House Amendment #1. It requires that school boards in the City of Chicago should be alert of public up in the... upcoming school closings prior to the board taking a vote at least six months in advance. Additionally, the board is to hold three separate meetings to allow the community to voice their opinion. I... I'm open for questions."

Speaker Madigan: "Mr. Clerk, what is the number of the Amendment?"

Clerk Bolin: "Floor Amendment #1 has been approved for consideration."

Parke: "I thought she said that she was refe... Floor Amendment 2 was replacing #1. So, it should be Amendment 2 up there. And the Amendment is in Rules, is it not?"

Speaker Madigan: "Mr. Clerk, take this Bill out of the record. Mr. Clerk, on the Order of Second Reading, on page 4 of the Calendar, there appears House Bill 2197. What is the status of the Bill?"

Clerk Bolin: "House Bill 21... 2197, a Bill for an Act concerning regulation. The Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Reitz, has been approved for consideration."

Speaker Madigan: "Mr. Reitz on the Amendment."

Reitz: "That was my neck. Thank you, Mr. Speaker. House Bill 2197 is a comprehensive rewrite of mine safety legislation in Illinois. We've been very fortunate the last couple years not to have had an accident or a fatality in... or a fatality in the State of Illinois. This is more of wake-up

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call with the tragedies that happened in West Virginia to revisit our mine safety legislation. And I'd be happy to talk more about it as we get to the Bill."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. The Chair recognizes Mr. Parke."

Parke: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Parke: "Representative, didn't we pass this Amendment in committee this morning?"

Reitz: "Yes."

Parke: "Okay. So, we moved it to the floor so that it would take floor action on it?"

Reitz: "Looks like it."

Parke: "Yeah."

Reitz: "Yeah."

Parke: "Okay. Well, we think the Amendment is good. It makes the Bill even better than it was. Thank you."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Black: "Representative, I have coal mines in my district. I like the Bill. But let me ask you a question. I don't think there's anything more important right now than mine safety. And as you and I have discussed, the United States lags far behind other countries in the world such as Australia, other countries, with I... ya know, locators, electronic locators, safe zones, better supply of oxygen. Having said all that, and I fully intend to vote for the

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Bill, can you tell me why we are... we'll see this Bill in the next week or so, why are we giving the Governor the authority to sweep the Coal Mining Regulation Fund of \$16 thousand?"

Reitz: "I don't see that in my analysis."

Black: "It isn't, it isn't and I apologize..."

Reitz: "Okay."

Black: "...for putting you on the spot, but it's... and I shouldn't have done that. But, I mean, this is the kind of cross pressure that I just don't understand. We say one thing and yet, we get a list of the Governor's fund sweeps that say another. We'll deal with it when it's time. I intend to vote for your Bill."

Speaker Madigan: "The question is, 'Shall the Amendment be adopted?' Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments. No Motions filed."

Speaker Madigan: "Put the Bill on the Order of Third Reading. House Bill 2317. Mr. Clerk, what is status of the Bill? Page 4 of the Calendar."

Clerk Bolin: "House Bill 2317, a Bill for an Act concerning finance. The Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Reitz, has been approved for consideration."

Speaker Madigan: "Mr. Reitz."

Reitz: "Thank you, Mr. Speaker. Amendment #1 allows for a fund to be set up or bank account to be set up for the World Shooting Complex to collect money for events that we have

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and pay out those monies subject to all auditing procedures within the department."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. The Chair recognizes Mr. Stephens."

Stephens: "Will the Gentleman yield?"

Speaker Madigan: "Sponsor yields."

Stephens: "Representative, has the Governor tried to raid this fund yet?"

Reitz: "We don't... we don't have a fund yet, so..."

Stephens: "That... that's not my question. Has he tried?"

Reitz: "No."

Stephens: "Thank you."

Speaker Madigan: "The question is, 'Shall the Amendment be adopted?' Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments. No Motions filed."

Speaker Madigan: "Put the Bill on the Order of Third Reading. On page 5 of the Calendar, there appears House Bill 3127, Mr. Mathias. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 3127, a Bill for an Act concerning transportation. The Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Mathias, has been approved for consideration."

Speaker Madigan: "Mr. Mathias."

Mathias: "Thank you, Mr. Speaker. Floor Amendment 1 becomes the Bill and it basically adds to the current penalties under House Bill 3127 to add a... this is a Bill for someone who

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stops on a railroad track without getting clearance. It is, of course, in a violation already. Amendment... Floor Amendment #1 adds to the penalty for a first offense... of someone who's convicted of a first offense, a 30-day driving privilege suspension. There was a question in committee about whether you are entitled to supervision on this Bill. I did check that out and you are entitled to supervision if you're a first offender. I ask for your 'aye' vote."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments. No Motions filed."

Speaker Madigan: "Third Reading. On page 7 of the Calendar, there appears House Bill 4391, Mr. Churchill. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4391, a Bill for an Act concerning criminal law. Second Reading of this House Bill. No Committee Amendments. Floor Amendment..."

Speaker Madigan: "Mr. Churchill. Mr. Clerk."

Clerk Bolin: "Floor Amendment #2 has been approved for consideration."

Speaker Madigan: "Mr. Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The underlying Bill deals with bringing BB guns and pellet guns in the schools. During the conversation and before the Judiciary Committee, there was some concern about people who are... young children who might accidentally bring a gun in and we didn't want them going into the Audie Murphy

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house. So, we worked on this Amendment to say that if you're under the age of 13 that the first time you are picked up for this would be considered a petty offense and the second time would then go back to the Class A misdemeanor and the rest of the Bill."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Page 7 of the Calendar, House Bill 4457, Mr. Joyce. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4457, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Joyce, has been approved for consideration."

Speaker Madigan: "Mr. Joyce."

Joyce: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Amendment #1 to House Bill 4457 simply removes the responsibility of providing identification cards from the State Police and puts it into the Department of Professional Regulation. Be happy to answer any questions. I urge its adoption."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments. No Motions filed."

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Speaker Madigan: "Third Reading. Page 7 of the Calendar, House Bill 4544, Representative Monique Davis. Mr. Clerk."

Clerk Bolin: "House Bill 4544, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Monique Davis, has been approved for consideration."

Speaker Madigan: "Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. Floor Amendment #2 changes the word 'church' to 'house of worship'. I think the abandoned baby Bill, passed in 2001 by Representative Coulson. And of that... this past few years... the past few years, we've had 21 babies who were legally abandoned, 40-something illegally abandoned and of that 40-somethin', half of those babies were found dead. This Amendment does two things: changes it from a simple 'church' to a 'house of worship'. And it says that a person must be available to take possession of the child and they are to immediately call 911 or have the child transported to a hospital. Within three days a parent can find out, from that location, what hospital his or her child has been taken to. And we urge the acceptance of the Amendment."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. The Chair recognizes Mr. Fritchey."

Fritchey: "Thank you, Speaker. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Fritchey: "In my area and I know by you as well, ya know, I have a number of storefront churches, for lack of a better word. So, if they are not open at the time... Go ahead."

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Davis, M.: "They have to be given the permission to... they request permission to participate and the Department of Children and Family Services give them the authority to participate in the program. So, not every church would be... it'll only be those that ask."

Fritchey: "And... and I mean... I mean this sincerely, I haven't read the language of the Bill. But do you... do you have to relinquish the child then physically to somebody or could you..."

Davis, M.: "That is correct."

Fritchey: "Okay. Thank you."

Davis, M.: "To a person. So, it's..."

Fritchey: "So, somebody could not go and just leave it... leave the baby at the doorstep of a closed house of worship?"

Davis, M.: "To a staffer at the church."

Fritchey: "Okay. Thank you."

Davis, M.: "You're welcome."

Speaker Madigan: "Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Feigenholtz: "Representative Davis, I had some visitors from Lutheran Social Services and from, I believe, Catholic Charities. They had concerns about this Bill. Are they in support or opposition of this Bill?"

Davis, M.: "Which group are you talkin' about?"

Feigenholtz: "LSSI and Catholic Charities."

Davis, M.: "They... Okay. They are still opposed, but they're not recognizing the fact that you have to apply to

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participate and that the department will be rulemak... there will be rulemaking."

Feigenholtz: "So, do... once this Bill is amended, you are giving DCFS rulemaking authority and to stipulate what criteria a church has to have in order to participate in this program?"

Davis, M.: "That is correct. They would... there would be certain criteria. That is correct."

Feigenholtz: "Okay. And so, and every year... so, DCFS plans on conducting inspections of these churches..."

Davis, M.: "That is correct. Every year."

Feigenholtz: "Uh huh."

Davis, M.: "Right."

Feigenholtz: "Uh huh. And... and what was the intent of doing this?"

Davis, M.: "The intent was to save the lives of babies. As you... and to make sure that the church has the capacity to do this. As you know, the two bab... the twins, Mary and Joseph, were left at a church."

Feigenholtz: "Right."

Davis, M.: "And they were left... they knew... well, someone was there to make sure the children were received and then sent to a hospital immediately. And as you know, a lot of times a young person finding themselves in a strait of pregnancy and not wanting..."

Feigenholtz: "I'm sorry. I can't hear you. In a what?"

Davis, M.: "Well, young people who find themselves in this condition and who are not going to go into a police station or a fire station, would perhaps go into a church."

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Feigenholtz: "Representative Davis, one of things that concerns me about this Bill, is that the very person that you're talking about and I think we're talking about a subset of women who sadly are deny... are likely denying their pregnancy and are in a subset of women who unfortunately are not in a place where they can establish a... what we would really like them to do, keep their child or have an adoption plan. But what worries me about this legislation is that if I am one of those women, what hap... how do I know what churches are approved and what are not? How are you going to delineate that?"

Davis, M.: "Promotion, advertisement, and education in the community."

Feigenholtz: "Uh huh."

Davis, M.: "And Representative Coulson has passed legislation that will include in family life classes the fact that there are safe havens and young people, not being encouraged by any means to use this, but to know that it is available and they don't have to smother the baby, leave the babies in garbage bags, put 'em in the river, put 'em in a pillowcase, set the house on fire. They don't..."

Feigenholtz: "Right."

Davis, M.: "...have to do that."

Feigenholtz: "I understand that. I understand that and I and... and you have to understand that this is somewhat difficult and I was... I was... I was concerned also about the underlying Bill that we passed, and Representative Coulson knows of my concerns, that essentially what we're doing is cultivating and promoting the permissiveness of a generation of

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foundlings who will likely never have any questions answered. Just last month, Dawn Geras from the Abandoned Newborn... the woman who worked with Representative Coulson passing the Abandoned Newborn Infant Act, called me up and she said, 'We have a problem.' And I said, 'What is that problem?' And she said, 'The first child that was adopted, who was saved out of this Act, the adoptive parents want to register at the adoption registry. The adoptive parents want to reach out to the birth mother.' And I'm not sure we're gonna be able to do that. So, you understand what I'm saying. There's some states you could..."

Davis, M.: "I... I understand your concern, but we also know that, as this legislation was passed, it was an attempt and rather successful, however, not totally successful in saving the lives of some babies."

Feigenholtz: "I understand and I..."

Davis, M.: "We would... we would all be very glad..."

Feigenholtz: "Yeah."

Davis, M.: "...to have the mother go to a hospital, have the birth of her baby and take that baby home."

Feigenholtz: "Right."

Davis, M.: "That's what we would prefer, but just this past year, 41 women chose... over 41 chose not to do that and of that, 20-something of those babies died. So, we... and then there are... there are rural areas where they may be a long way from a fire station or a hospital, but there may be a church willing to participate in the close proximity of the home. Usually, these are very young girls. Usually..."

Feigenholtz: "I... I know."

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Davis, M.: "...usually, yes, these..."

Feigenholtz: "But you understand, Monique, where I'm coming from on this. That, ya know, we have... the House Adoption Reform Committee recently had hearings that... where Representative Collins and Senator Hunter were involved about children wanting to... Ya know, adoption is a lifelong process and these..."

Davis, M.: "These children are... they do go up for adoption..."

Feigenholtz: "I know. I... I'm not arguing that."

Davis, M.: "...if they live, if they're alive."

Feigenholtz: "I guess you're..."

Davis, M.: "If they're alive, they certainly do become eligible for adoption."

Feigenholtz: "I just don't understand the ratio... I still haven't gotten an answer from you on... on how that young, pregnant woman, who has decided that she is going to try and legally abandon her child, is gonna know what churches... I mean, how do you write a rule like that?"

Davis, M.: "Be..."

Feigenholtz: "How do you legislate that?"

Davis, M.: "Well, ya know, currently..."

Feigenholtz: "I mean, how many more fatalities are we going to have?"

Davis, M.: "Currently, we have a safe haven policy for kids after school. Children are told after school if you're ever in danger these homes have a decal in the front window and if you see a home with a decal in the front window... these churches who choose to participate through JCAR of the rulemaking could establish a similar symbol. As well as,

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don't forget, when they're taking family life classes, they're going to be told in those classes where they could safely without being charged with a crime abandon those babies. Ya know, the tragedy, Representative, in Illinois is this Bill only is for infants up to three days old. I really wish we could consider those that are much older so that parents, who feel overburdened or abandoned themselves or suffering through a mental condition temporarily, would not feel a need to kill those children..."

Feigenholtz: "Repre..."

Davis, M.: "...but would know..."

Feigenholtz: "...that's a piece of legislation that you and I..."

Davis, M.: "...there's a place they could take them."

Feigenholtz: "...can work on in the future. I..."

Speaker Madigan: "Representatives..."

Feigenholtz: "Thank you very much, Mr. Speaker."

Speaker Madigan: "Yeah, thank you. Representative Davis, on the Amendment, moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments have been approved for consideration. No Motions filed."

Speaker Madigan: "Third Reading. Page 7, House Bill 4680, Mr. Jenisch. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4680, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Jenisch, has been approved for consideration."

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Speaker Madigan: "Mr. Jenisch."

Jenisch: "Thank you, Mr. Speaker. This Floor Amendment, that I'm asking you to consider to adopt this evening, just amends the age down a couple years than what the Bill as it was presented in committee. So, I would ask for a favorable vote."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. Page 8, House Bill 4835, Mr. Saviano. Mr. Saviano. Mr. Clerk, take that out of the record. Page 8, House Bill 4894, Mr. Joe Lyons. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4894, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Lyons, has been approved for consideration."

Speaker Madigan: "Mr. Lyons."

Lyons, J.: "Thank you, Speaker. The second Amendment to House Bill 4894 is language we did on the request of State Fire Marshal to exempt certain cursory inspections which now brings the Bill into National Fire Protection Association standards. Be happy to answer any questions."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

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Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. Page 8, House Bill 4835, Mr. Saviano. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4835, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Saviano, has been approved for consideration."

Speaker Madigan: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #1 adds to the underlying Bill which allows the City of Chicago and other municipalities to install cameras at intersections for people who violate red lights. I ask it be adopted."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "Floor Amendment #4, offered by Representative Saviano."

Speaker Madigan: "Mr. Saviano. Number 4."

Saviano: "Thank... thank you, Mr. Speaker. Floor Amendment #4 simply takes out the authority for speeders will be... be caught on camera. And I would ask it be adopted."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments."

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Speaker Madigan: "Third Reading. Page 9, House Bill 4948, Mr. Washington. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4948, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #3, offered by Representative Washington, has been approved for consideration."

Speaker Madigan: "Mr. Washington. Amendment #3."

Washington: "Thank ya. I move for the adoption of the Amendment, Mr. Speaker."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. The Chair recognizes Mr. Black."

Black: "Mr. Speaker, a point of personal privilege, when you have time, please."

Speaker Madigan: "On the Amendment, those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the chamber. I have an important announcement to make. Chicago Cubs played their first game today in spring training. They won 8 to 7. Let me just tell you now, I was proud of the White Sox last year, but let me say this, you call me on it if it doesn't come true, Cub fans will find heaven in 2007."

Speaker Madigan: "Page 9, House Bill 5245. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 5245, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment

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#1 has been adopted to the Bill. Floor Amendment #3, offered by Representative Brauer, has been approved for consideration."

Speaker Madigan: "Mr. Brauer."

Brauer: "Thank you, Mr. Speaker. Ladies and Gentlemen of the gal... floor, this Bill just simply looks at ways to increase the collection of umbilical cord blood and the Amendment takes away the opposition."

Speaker Madigan: "Those in favor of the Amendment say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. Page 9, House Bill 5257, Mr. Bill Mitchell. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 5257, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Bill Mitchell, has been approved for consideration."

Speaker Madigan: "Mr. Mitchell."

Mitchell, B.: "Thank you... thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to adopt the technical Amendment."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments."

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Speaker Madigan: "Third Reading. Page 10, House Bill 5377, Representative Munson. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 5377, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Munson, has been approved for consideration."

Speaker Madigan: "Representative Munson."

Munson: "Thank you, Mr. Speaker. I move to adopt Floor Amendment #2 that tightens up the definition of 'publicly traded companies'. Ask for your adoption."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes'... Mr. Mautino."

Mautino: "Thank you, Mr. Speaker. Just an inquiry of the Clerk. There were some requested notes filed on the... have those been filed as amended?"

Speaker Madigan: "Mr. Clerk, did you hear the request?"

Clerk Bolin: "Notes have been requested and the notes have not been filed yet."

Speaker Madigan: "So, the Bill shall remain on the Order of Second Reading. Mr. Clerk, on the question of the Amendment, those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments, but notes have been requested."

Speaker Madigan: "And the notes have not been filed, so the Bill shall remain on the Order of Second Reading. Page 10, House

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Bill 5416, Mr. Mathias. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 5416, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Mathias, has been approved for consideration."

Speaker Madigan: "Mr. Mathias."

Mathias: "Thank you, Mr. Speaker. Floor Amendment #1 becomes the Bill. And what it basically does is it adopts the recommendations of a task force that was previously formed and it basically states that the state board shall adopt, through the rulemaking process, the recommendations of the task force."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "Floor Amendment #2, offered by Representative Mathias."

Speaker Madigan: "Mr. Mathias."

Mathias: "Thank you. Floor Amendment 2 is a technical Amendment which basically puts the Section number that... in the Bill. It was broadly written and it takes away some of the opposition that was originally to the Bill because it didn't refer to the proper Section number of the Code. And so, I ask for your 'aye' vote."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say

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'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. Page 11, House Bill 5578, Representative May. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 5578, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #3, offered by Representative May, has been approved for consideration."

Speaker Madigan: "Representative May."

May: "Yes, I move to adopt Amendment #3. There are four technical changes, to make this an agreed Bill, in the penalty Section replacing 'fails' with 'willfully and knowingly fails' changing the penalty, adding further indemnity language requested by the Automobile Alliance and changing the repealer from 2018 to 2011."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. Page 6, House Bill 4238, Mr. Boland. Boland."

Boland: "Thank you, Mr. Speaker. I move for the adoption of Floor Amendment... should be #3, yes, thank you... which was passed on leave out of committee. It, basically, becomes the Bill. There are several points to it. I hope that we can adopt the Amendment and then debate the Bill."

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Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. Page 2, House Bill 1620, Representative Gordon. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 1620, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Gordon, has been approved for consideration."

Speaker Madigan: "Representative Gordon."

Gordon: "Thank you, Mr. Speaker. House Bill 1620, Floor Amendment #1 was added in response to... it amends the Environmental Protection Act and was done in response to the recent situation that has occurred in my district at the nuclear power plants with the release of a substance called tritium. It passed out of the committee without a vote against it. And I would ask for the adoption today."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. Page 2, House Bill 280, Mr. McGuire. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 280, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment

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#1, offered by Representative McGuire, has been approved for consideration."

Speaker Madigan: "Mr. McGuire."

McGuire: "Thank you, Mr. Speaker. I have House Bill 280. What House Bill 280 basically does is the... tries to set some equity between car dealer's license fees... I should not say 'license' fees. The new car dealers are not in this Bill. We have... we have taken them out of the Bill at their request. And what the Bill does is try to give a little more equity to what the smaller car dealers, the used car dealers have to pay for a license to operate their business. And that's basically what the Bill is about. And I'd appreciate your 'aye' vote."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. Page 3, Hours Bill 2006, Mr. Phelps. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 2006, the Bill's been read a second time, previously. Amendment #1 was adopted..."

Speaker Madigan: "The Gentleman would like to take the Bill out of the record. Page 6, House Bill 4339, Representative Collins. Collins. Page 7, House Bill 4739, Representative Golar. Representative Golar on 4739. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4739, the Bill's been a second time, previously. No Committee Amendments. Floor Amendment #2,

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offered by Representative Golar, has been approved for consideration."

Speaker Madigan: "Representative Golar."

Golar: "Thank you, Mr. Speaker. I am adding House Amendment to this Bill and I'm looking for a vote on this."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. Page 10, House Bill 5506, Mr. Tenhouse. Mr. Clerk, do you have a Rules Report?"

Clerk Bolin: "Committee Reports. Representative Currie, Chairperson from the Committee on Rules, to which the following legislative measures and/or Joint Action Motion were referred, action taken on March 02, 2006, reported the same back with the following recommendation/s: 'direct floor consideration' for House Amendment #2 to House Bill 2012."

Speaker Madigan: "Mr. Clerk, on page 3 of the Calendar, there appears House Bill 2012. What is the status of the Bill?"

Clerk Bolin: "House Bill 2012, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Soto, has been approved for consideration."

Speaker Madigan: "Mr. Clerk, it's Amendment #1 which has been approved for consideration? All right. Both Amendments have been approved for consideration. We are now on Amendment #1."

Soto: "Okay."

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Speaker Madigan: "Representative Soto."

Soto: "Okay. Okay. Amendment #1. Amendment #1 requires the State Board of Education to assist school boards in planning and construction in new facilities. And I move to... to withdraw... Amendment #1."

Speaker Madigan: "The Lady requests the withdrawal of Amendment #1. Is there leave? Leave is granted. The Amendment is withdrawn. Are there any further Amendments?"

Clerk Bolin: "Floor Amendment #2, offered by Representative Soto."

Speaker Madigan: "Amendment #2, Representative Soto."

Soto: "Okay. I move to adopt Floor Amendment #2 on House Bill 2012. Amendment #2 would replace House Amendment #1. It requires the school board of the City of Chicago to alert the public in an upcoming school closure, prior to the board taking over a vote, at least 6 months in advance. Amendment #1 (sic-#2) replaces House Amendment #1. I ask to move to adopt."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments. No Motions filed."

Speaker Madigan: "Third Reading. On page 6 of the Calendar, there appears House Bill 4339, Representative Collins. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4339, the Bill's been read a second time, previously. Amendment #2 has been adopt... Committee Amendment #2 has been adopted to the Bill. Floor Amendment

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#3, offered by Representative Collins, has been approved for consideration."

Speaker Madigan: "Representative Collins on Amendment #3."

Collins: "Will like to adopt Amendment #3."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments. No Motions filed."

Speaker Madigan: "Third Reading. On page 10, House Bill 5506, Mr. Black. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 5506, the Bill's been a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Tenhouse, has been approved for consideration."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #1 becomes the Bill provides that a recreational vehicle may exceed the current 8 foot 6 inch width to a maximum of 9 feet in order to be in line with federal regulations and 43 other states. Be glad to answer any questions."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments. No Motions filed."

Speaker Madigan: "Mr. Clerk, on page 8 of the Calendar, there appears House Bill 4785. What is the status of the Bill?"

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Clerk Bolin: "House Bill 4785 is on the Order of House Bills-
Third Reading."

Speaker Madigan: "Take this out of the record. Mr. Clerk, on
page 10 of the Calendar appears House Bill 5506. What is
the status of the Bill?"

Clerk Bolin: "House Bill 5506 is on the Order of House Bills-
Second Reading."

Speaker Madigan: "Put that Bill on the Order of Third Reading.
On page 12 of the Calendar, there appears House Bill 4652,
Mr. McCarthy. Mr. Clerk, what is the status of this Bill?"

Clerk Bolin: "House Bill 4652 is on the Order of House Bills-
Third Reading."

Speaker Madigan: "Mr. McCarthy."

McCarthy: "Thank you, Mr. Speaker and Ladies and Gentlemen of
the House. House Bill 4652, after we added Amendment #2 to
it yesterday, actually became a shell Bill. This is a Bill
that we hope to be able to help some of our college students
with some financial assistance before the end of the
Session. I wanna move it over to the Senate. I have a
Senate Sponsor who has already prefiled for it, so we can
keep these discussions alive with the Governor's Office and
with the other Members of the Legislature. So, I'd
appreciate you helping me keep this Bill alive. Thank you."

Speaker Madigan: "Mr. Black. Mr. Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor
yield?"

Speaker Madigan: "Sponsor yields."

Black: "Representative, this now becomes a shell Bill. Could
you give us some... some outline or idea of what the intent

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will be for this Bill as... when it comes back, if it comes back?"

McCarthy: "Well, I hope that it comes back with a lot of the original intent of the Bill which was to give some financial assistance to the not-for-profit institutions in our state. We're also negotiating so that we can help the public universities as well and if we can do it together, as a package, I think that would be in everyone's best interest. So, I appreciated getting the Bill out of committee, 12 to nothing, when we had that language on there, but I think it's nice to keep it alive in the total discussion so that we can work with the Governor's."

Black: "All right. This is the Bill you had that would give financial aid, increased financial aid, I don't remember all the details..."

McCarthy: "The baccalaureate completion."

Black: "...to private colleges and universities, correct?"

McCarthy: "Correct. Correct."

Black: "All right. Thank you very much."

McCarthy: "Thank you."

Speaker Madigan: "Mr. Clerk, read the Bill for a third time."

Clerk Bolin: "House Bill 4652, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Madigan: "Mr. McCarthy moves for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. The Clerk shall take the record. On this question, there are 47 people voting 'aye' and 61 people voting 'no'. Mr. McCarthy requested the Bill be put on the Order of Postponed Consideration."

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McCarthy: "Yes, please, Mr. Speaker."

Speaker Madigan: "Thank you. Mr. Clerk, what is the status of House Bill 2012?"

Clerk Bolin: "House Bill 2012 is on the Order of House Bills- Third Reading."

Speaker Madigan: "Read the Bill for a third time."

Clerk Bolin: "House Bill 2012, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Madigan: "Representative Soto."

Soto: "Thank you, Speaker and Members of the House. Amendment number... Okay. Okay. House Bill 2012 requires the school board of the City of Chicago to alert the public of any upcoming school closures prior to the board taking a vote at least six months in advance. Additionally, the board has held three separate meetings to allow the community to voice their opinion where the majority of the community is in opposition to the closure. A mediator is to be assigned to help the sides reach a compromise. If no such compromise is possible, a referendum will be voted upon by the registered voters in the local attendance area of the school. I urge an 'aye' vote and I'm open for questions. Thank you."

Speaker Madigan: "The Lady moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 102 people voting 'yes', 7 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby

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declared passed. Mr. Clerk, would you read the schedule for committees for tonight."

Clerk Bolin: "The following committees will meet immediately upon adjournment: Elementary & Secondary Education in Room 114, Transportation & Motor Vehicles in Room 118, Health Care Availability & Access in Room C-1, Local Government in Room 115, Judiciary II-Criminal Law in Room D-1, Agriculture & Conservation in Room 122B. The following committees will meet one-half hour after adjournment: Public Utilities in Room D-1 and Consumer Protection in Room 122B."

Speaker Madigan: "Mr. Clerk, Agreed Resolutions."

Clerk Bolin: "Agreed Resolutions. House Resolution 978, offered by Representative Verschoore. House Resolution 979, offered by Representative Cross. And House Resolution 981, offered by Representative Granberg."

Speaker Madigan: "Mr. Brady. The Clerk has read the Agreed Resolutions. Those in favor of the Agreed Resolutions say 'aye'; those opposed say 'no'. The 'ayes' have it. The Agreed Resolutions are adopted. Ladies and Gentlemen, we are prepared to adjourn... prepared to adjourn and we will convene at 9 a.m. in the morning, 9 a.m. in the morning. The Chair recognizes Mr. Brady."

Brady: "Thank you, Mr. Speaker. The Republicans will caucus in the morning at 8:30 in Room 118. Republican Caucus at 8:30 in the morning, Room 118. Thank you."

Speaker Madigan: "Representative Currie moves that the House stand adjourned until 9 a.m. in the morning, providing perfunctory time for the Clerk. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The House does

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stand adjourned until 9 a.m. in the morning, providing perfunctory time for the Clerk."

Clerk Mahoney: "House Perfunctory Session will come to order. The following House Bill will be read a second time and held on the Order of Second Reading. House Bill 5283, offered by Representative Rita, a Bill for an Act concerning municipalities. Second Reading of this House Bill. Committee Reports. Representative Collins, Chairperson from the Committee on Public Utilities, to which the following measure/s was/were referred, action taken on March 02, 2006, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #1 to House Bill 5391. Representative Molaro, Chairperson from the Committee on Judiciary II-Criminal Law, to which the following measure/s was/were referred, action taken on March 02, 2006, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #2 to House Bill 2067. Representative Colvin, Chairperson from the Committee on Consumer Protection, to which the following measure/s was/were referred, action taken on March 02, 2006, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #1 to House Bill 4350 and Floor Amendment #2 to House Bill 4296. Representative Granberg, Chairperson from the Committee on Agriculture & Conservation, to which the following measure/s was/were referred, action taken on March 02, 2006, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #1 to House Bill 5407. Representative Flowers, Chairperson from the

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Committee on Health Care Availability & Access, to which the following measure/s was/were referred, action taken on March 02, 2006, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #3 to House Bill 4999. Representative Osterman, Chairperson from the Committee on Local Government, to which the following measure/s was/were referred, action taken on March 02, 2006, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #2 to House Bill 5478. Representative Hoffman, Chairperson from the Committee on Transportation & Motor Vehicles, to which the following measure/s was/were referred, action taken on March 02, 2006, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #1 to House Bill 3126. Representative Giles, Chairperson from the Committee on Elementary & Secondary Education, to which the following measure/s was/were referred, action taken on March 02, 2006, reported the same back with the following recommendation/s: 'recommends be adopted as amended' House Joint Resolution 87. Senate Bills-First Reading. Senate Bill 2223, offered by Representative Berrios, a Bill for an Act concerning State Government. Senate Bill 2254, offered by Representative Brosnahan, a Bill for an Act concerning State Government. Senate Bill 2680, offered by Representative Acevedo, a Bill for an Act concerning law enforcement. Senate Bill 2303, offered by Representative Rich Myers, a Bill for an Act concerning civil liability. Senate Bill 2326, offered by Representative Ryg, a Bill for an Act concerning regulation.

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Senate Bill 2349, offered by Representative Colvin, a Bill for an Act concerning mortgages. Senate Bill 2374, offered by Representative Jenisch, a Bill for an Act concerning criminal law. Senate Bill 2395, offered by Representative Saviano, a Bill for an Act concerning regulation. Senate Bill 2455, offered by Representative Coulson, a Bill for an Act concerning education. Senate Bill 2475, offered by Representative John Bradley, a Bill for an Act concerning families. Senate Bill 2579, offered by Representative Smith, a Bill for an Act concerning public aid. Senate Bill 2580, offered by Representative John Bradley, a Bill for an Act concerning State Government. Senate Bill 2608, offered by Representative Reitz, a Bill for an Act concerning regulation. Senate Bill 2617, offered by Representative Chapa LaVia, a Bill for an Act concerning criminal law. Senate Bill 619, offered by Representative John Bradley, a Bill for an Act concerning State Government. Senate Bill 701, offered by Representative Hassert, a Bill for an Act concerning revenue. Senate Bill 819, offered by Representative Holbrook, a Bill for an Act concerning local government. Senate Bill 820, offered by Representative Acevedo, a Bill for an Act concerning local government. Senate Bill 821, offered by Representative Molaro, a Bill for an Act concerning local government. Senate Bill 835, offered by Representative John Bradley, a Bill for an Act concerning local government. Senate Bill 841, offered by Representative Joe Lyons, a Bill for an Act concerning local government. Senate Bill 843, offered by Representative Joyce, a Bill for an Act concerning local government.

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Senate Bill 860, offered by Representative Smith, a Bill for an Act concerning education. Senate Bill 893, offered by Representative Holbrook, a Bill for an Act concerning regulation. Senate Bill 918, offered by Representative Flider, a Bill for an Act concerning regulation. Senate Bill 1086, offered by Representative Phelps, a Bill for an Act concerning transportation. Senate Bill 1087, offered by Representative Lou Jones, a Bill for an Act concerning transportation. Senate Bill 1214, offered by Representative Rich Bradley, a Bill for an Act concerning civil law. Senate Bill 1991, offered by Representative Molaro, a Bill for an Act concerning gaming. Senate Bill 2137, offered by Representative Mendoza, a Bill for an Act concerning State Government. Senate Bill 2233, offered by Representative Washington, a Bill for an Act concerning transportation. Senate Bill 2243, offered by Representative Hoffman, a Bill for an Act concerning transportation. Senate Bill 2257, offered by Representative Hoffman, a Bill for an Act in relation to education. Senate Bill 827, offered by Representative Reitz, a Bill for an Act concerning local government. Senate Bill 2277, offered by Representative Feigenholtz, a Bill for an Act concerning gaming. Senate Bill 2284, offered by Representative Fritchey, a Bill for an Act concerning civil law. Senate Bill 2285, offered by Representative Holbrook, a Bill for an Act concerning safety. Senate Bill 2290, offered by Representative Hamos, a Bill for an Act concerning housing. Senate Bill 2302, offered by Representative Moffitt, a Bill for an Act concerning fire safety. Senate Bill 2325, offered by

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Representative Saviano, a Bill for an Act concerning regulation. Senate Bill 2328, offered by Representative Hannig, a Bill for an Act concerning public aid. Senate Bill 2339, offered by Representative Delgado, a Bill for an Act concerning employment. Senate Bill 2368, offered by Representative Acevedo, a Bill for an Act concerning transportation. Senate Bill 2405, offered by Representative Saviano, a Bill for an Act concerning transportation. Senate Bill 2436, offered by Representative Dunn, a Bill for an Act concerning health facilities. Senate Bill 2465, offered by Representative Fritchey, a Bill for an Act concerning health. Senate Bill 2469, offered by Representative Saviano, a Bill for an Act concerning regulation. Senate Bill 2489, offered by Representative Black, a Bill for an Act concerning transportation. Senate Bill 2684, offered by Representative Chapa LaVia, a Bill for an Act concerning criminal law. Senate Bill 2695, offered by Representative Mendoza, a Bill for an Act concerning regulation. Senate Bill 2716, offered by Representative Flider, a Bill for an Act concerning business. Senate Bill 2798, offered by Representative Brauer, a Bill for an Act concerning government. Senate Bill 2807, offered by Representative Watson, a Bill for an Act concerning regulation. Senate Bill 2808, offered by Representative Joe Lyons, a Bill for an Act concerning vehicles. Senate Bill 2810, offered by Representative Phelps, a Bill for an Act concerning wildlife. Senate Bill 2921, offered by Representative Turner, a Bill for an Act concerning State Government. Senate Bill 2967, offered by Representative

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Brauer, a Bill for an Act concerning criminal law. Senate Bill 2968, offered by Representative Pihos, a Bill for an Act concerning immunity. Senate Bill 3086, offered by Representative Franks, a Bill for an Act concerning government, which may be referred to as the Equity in Eminent Domain Act. Senate Bill 2674, offered by Representative Turner, a Bill for an Act concerning State Government. Senate Bill 2676, offered by Representative Nekritz, a Bill for an Act concerning civil law. Senate Bill 2691, offered by Representative Parke, a Bill for an Act concerning revenue. Senate Bill 2737, offered by Representative Burke, a Bill for an Act concerning criminal law. Senate Bill 2829, offered by Representative Lang, a Bill for an Act concerning education. Senate Bill 2869, offered by Representative Mendoza, a Bill for an Act concerning criminal law. Senate Bill 2878, offered by Representative Tryon, a Bill for an Act concerning transportation. Senate Bill 2882, offered by Representative Smith, a Bill for an Act concerning education. Senate Bill 3046, offered by Representative Kosel, a Bill for an Act concerning local government. Senate Bill 3062, offered by Representative Currie, a Bill for an Act concerning regulation. There being no further business, the House Perfunctory Session will stand adjourned."